

1 Stacey M. Leyton (SBN 203827)
2 Barbara J. Chisholm (SBN 224656)
3 Danielle Leonard (SBN 218201)
4 ALTSHULER BERZON LLP
5 177 Post Street, Suite 300
6 San Francisco, CA 94108
7 Tel.: (415) 421-7151
8 sleyton@altber.com
9 bchisholm@altber.com
10 dleonard@altber.com

11 Elena Goldstein (pro hac vice)
12 Skye Perryman (pro hac vice)
13 Tsuki Hoshijima (pro hac vice)
14 DEMOCRACY FORWARD FOUNDATION
15 P.O. Box 34553
16 Washington, D.C. 20043
17 Tel.: (202) 448-9090
18 Fax: (202) 796-4426
19 egoldstein@democracyforward.org
20 sperryman@democracyforward.org
21 thoshijima@democracyforward.org

22 *Attorneys for Plaintiffs*

23 [Additional counsel and affiliations listed on signature page]

24 UNITED STATES DISTRICT COURT
25 FOR THE NORTHERN DISTRICT OF CALIFORNIA
26 SAN FRANCISCO DIVISION

27 AMERICAN FEDERATION OF
28 GOVERNMENT EMPLOYEES, AFL-CIO;
AMERICAN FEDERATION OF STATE
COUNTY AND MUNICIPAL EMPLOYEES,
AFL-CIO; SERVICE EMPLOYEES
INTERNATIONAL UNION, AFL-CIO;
AFGE LOCAL 1122; AFGE LOCAL 1236;
AFGE LOCAL 2110; AFGE LOCAL 3172;
SEIU LOCAL 521; SEIU LOCAL 1000; SEIU
LOCAL 1021; ALLIANCE FOR RETIRED
AMERICANS; AMERICAN GEOPHYSICAL
UNION; AMERICAN PUBLIC HEALTH
ASSOCIATION; CENTER FOR TAXPAYER
RIGHTS; COALITION TO PROTECT
AMERICA'S NATIONAL PARKS;
COMMON DEFENSE CIVIC
ENGAGEMENT; MAIN STREET

Case No. 3:25-cv-03698-SI

**AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

1 ALLIANCE; NATURAL RESOURCES
2 DEFENSE COUNCIL, INC.; NORTHEAST
3 ORGANIC FARMING ASSOCIATION,
4 INC.; VOTEVETS ACTION FUND INC.;
5 WESTERN WATERSHEDS PROJECT;
6 COUNTY OF SANTA CLARA,
7 CALIFORNIA; CITY OF CHICAGO,
8 ILLINOIS; MARTIN LUTHER KING, JR.
9 COUNTY, WASHINGTON; HARRIS
10 COUNTY, TEXAS; CITY OF BALTIMORE,
11 MARYLAND; and CITY AND COUNTY OF
12 SAN FRANCISCO, CALIFORNIA

13 Plaintiffs,

14 v.

15 DONALD J. TRUMP, in his official capacity
16 as President of the United States;
17 UNITED STATES OFFICE OF
18 MANAGEMENT AND BUDGET;
19 RUSSELL VOUGHT, in his official capacity
20 as Director of U.S. Office of Management and
21 Budget;
22 UNITED STATES OFFICE OF PERSONNEL
23 MANAGEMENT;
24 CHARLES EZELL, in his official capacity as
25 Acting Director of the U.S. Office of Personnel
26 Management;
27 DEPARTMENT OF GOVERNMENT
28 EFFICIENCY;
ELON MUSK, in his official capacity as the
actual head of the Department of Government
Efficiency;
AMY GLEASON, in her official capacity as
the titular Acting Administrator of the
Department of Government Efficiency;
UNITED STATES DEPARTMENT OF
AGRICULTURE;
BROOKE ROLLINS, in her official capacity
as Secretary of the U.S. Department of
Agriculture;
UNITED STATES DEPARTMENT OF
COMMERCE;
HOWARD LUTNICK, in his official capacity
as Secretary of the U.S. Department of
Commerce;
UNITED STATES DEPARTMENT OF

1 DEFENSE;
2 PETE HEGSETH, in his official capacity as
3 Secretary of the U.S. Department of Defense;
4 UNITED STATES DEPARTMENT OF
5 ENERGY;
6 CHRIS WRIGHT, in his official capacity as
7 Secretary of the U.S. Department of Energy;
8 UNITED STATES DEPARTMENT OF
9 HEALTH AND HUMAN SERVICES;
10 ROBERT F. KENNEDY JR., in his official
11 capacity as Secretary of the U.S. Department
12 of Health and Human Services;
13 UNITED STATES DEPARTMENT OF
14 HOMELAND SECURITY;
15 KRISTI NOEM, in her official capacity as
16 Secretary of the U.S. Department of Homeland
17 Security;
18 UNITED STATES DEPARTMENT OF
19 HOUSING AND URBAN DEVELOPMENT;
20 SCOTT TURNER, in his official capacity as
21 Secretary of the U.S. Department of Housing
22 and Urban Development;
23 UNITED STATES DEPARTMENT OF
24 JUSTICE;
25 PAM BONDI, in her official capacity as
26 Attorney General of the U.S. Department of
27 Justice;
28 UNITED STATES DEPARTMENT OF THE
INTERIOR;
DOUG BURGUM, in his official capacity as
Secretary of the U.S. Department of the
Interior;
UNITED STATES DEPARTMENT OF
LABOR;
LORI CHAVEZ-DEREMER, in her official
capacity as Secretary of the U.S. Department
of Labor;
UNITED STATES DEPARTMENT OF
STATE;
MARCO RUBIO, in his official capacity as
Secretary of the U.S. Department of State;
UNITED STATES DEPARTMENT OF
TREASURY;
SCOTT BESENT, in his official capacity as
Secretary of U.S. Department of Treasury;
UNITED STATES DEPARTMENT OF
TRANSPORTATION;
SEAN DUFFY, in his official capacity as

Secretary for the U.S. Department of
Transportation;
UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS;
DOUG COLLINS, in his official capacity as
Secretary of Veterans Affairs;
AMERICORPS (a.k.a. the CORPORATION
FOR NATIONAL AND COMMUNITY
SERVICE);
JENNIFER BASTRESS TAHMASEBI, in her
official capacity as Interim Agency Head of
AmeriCorps;
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY;
LEE ZELDIN, in his official capacity as
Administrator of U.S. Environmental
Protection Agency;
UNITED STATES GENERAL SERVICES
ADMINISTRATION;
STEPHEN EHIKIAN, in his official capacity
as Acting Administrator for U.S. General
Services Administration;
NATIONAL LABOR RELATIONS BOARD;
MARVIN KAPLAN, in his official capacity as
Chairman of the National Labor Relations
Board;
WILLIAM COWEN, in his official capacity as
the Acting General Counsel of the National
Labor Relations Board;
NATIONAL SCIENCE FOUNDATION;
BRIAN STONE, in his official capacity as
Acting Director of the National Science
Foundation;
PEACE CORPS;
ALLISON GREENE, in her official capacity
as Chief Executive Officer of the Peace Corps;
UNITED STATES SMALL BUSINESS
ADMINISTRATION;
KELLY LOEFFLER, in her official capacity
as Administrator of the U.S. Small Business
Administration;
UNITED STATES SOCIAL SECURITY
ADMINISTRATION; and
LELAND DUDEK, in his official capacity as
Acting Commissioner of the U.S. Social
Security Administration,

Defendants.

INTRODUCTION

Plaintiffs are a coalition of labor organizations, non-profit groups, and local governments that file this amended complaint to hold unlawful and stop the unconstitutional dismantling of the federal government by the President of the United States on a scale unprecedented in this country's history and in clear excess of his authority. Plaintiffs are the American Federation of Government Employees, AFL-CIO ("AFGE"); American Federation of State County and Municipal Employees, AFL-CIO ("AFSCME"); Service Employees International Union, AFL-CIO ("SEIU"); AFGE Local 1122; AFGE Local 1236; AFGE Local 2110; AFGE Local 3172; SEIU Local 521; SEIU Local 1000; SEIU Local 1021; Alliance for Retired Americans; American Public Health Association; American Geophysical Union; Center for Taxpayer Rights; Coalition to Protect America's National Parks; Common Defense Civic Engagement; Main Street Alliance; Natural Resources Defense Council, Inc.; Northeast Organic Farming Association Inc.; VoteVets Action Fund Inc.; Western Watersheds Project; the County of Santa Clara, California; Martin Luther King, Jr. County, Washington; the City of Baltimore, Maryland; Harris County, Texas; the City of Chicago, Illinois; and the City and County of San Francisco, California (collectively, "Plaintiffs").

By way of Executive Order, President Donald J. Trump has ordered agencies across the entire federal government to engage in a "critical transformation of the Federal bureaucracy" for the purported purpose of "eliminating waste, bloat, and insularity," including by conducting "large-scale" Reductions in Force ("RIFs") to further the reorganization of the federal agencies—all without *any* Congressional authorization. *See* Exec. Order No. 14210, 90 Fed. Reg. 9669 (Feb. 11, 2025) (Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative). Executive Order 14210, and the actions taken by the Administration to implement the President's order, usurp Congress's exclusive Article I legislative authority, exceed the President's Article II Executive or statutory authority, and therefore violate the Constitution's fundamental separation of powers principles. Plaintiffs seek to declare these acts of the President unconstitutional, unlawful, and otherwise in excess of any constitutional or statutory authority; to hold unlawful and set aside the acts of agency defendants implementing his orders as unlawful and in violation of the

1 Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (C) and (D); and to enjoin this unconstitutional
2 reorganization of the federal government without legislative authority. Plaintiffs therefore hereby
3 plead as follows:

4 1. The President does not possess authority to reorganize, downsize, or otherwise
5 transform the agencies of the federal government, unless and until Congress authorizes such action.
6 Federal agencies are “creatures of statute.” *Nat’l Fed’n of Indep. Bus. v. Dep’t of Lab., OSHA*, 595
7 U.S. 109, 117 (2022). Since the founding of the nation, federal courts have recognized that the
8 federal agencies are not created by the President: “To Congress under its legislative power is given
9 the establishment of offices ... [and] the determination of their functions and jurisdiction.” *Myers v.*
10 *United States*, 272 U.S. 52, 129 (1926).

11 2. When the President takes for himself the legislative power of Congress to recreate
12 federal agencies in the manner *he* sees fit, he violates the Constitution. *Youngstown Sheet & Tube Co.*
13 *v. Sawyer*, 343 U.S. 579, 587 (1952) (“In the framework of our Constitution, the President’s power to
14 see that the laws are faithfully executed refutes the idea that he is to be a lawmaker.... And the
15 Constitution is neither silent nor equivocal about who shall make laws which the President is to
16 execute.”). And when the President does so across *every* federal agency, he threatens the very
17 constitutional foundation of this nation: “There can be no liberty where the legislative and executive
18 powers are united in the same person.” *Bowsher v. Synar*, 478 U.S. 714, 721–22 (1986) (quoting
19 James Madison in *The Federalist* No. 47, p. 325 (J. Cooke ed. 1961)). Thus, for nearly 100 years,
20 when Presidents have wanted to restructure the government by reorganizing both between and within
21 federal agencies, they have obtained Congressional authorization to do so. *See* Cong. Rsch. Serv.,
22 RL31446, *Reorganizing the Executive Branch in the 20th Century: Landmark Commissions* (June 10,
23 2002).

24 3. President Trump contends he was elected with a mandate to radically transform the
25 size and organization of the entire federal government. Ignoring applicable constitutional law, he has
26 engaged in a campaign unprecedented in American history: to eliminate entire federal agencies;
27 drastically reduce the number of employees, functions, programs, and offices at others; terminate
28

1 leases for government property; terminate government contracts; and sell off government property, all
 2 without Congressional authorization. President Trump has called his plan to downsize and transform
 3 the federal government as he desires “The ‘Manhattan Project’ of our time.”¹

4 4. As soon as President Trump took office, he immediately began his “large scale
 5 structural reform” project. *Id.*

6 5. First, on January 20, 2025, he created the “Department of Government Efficiency” or
 7 “DOGE” out of a former information technology office and charged it with enacting an “18-month
 8 DOGE agenda” (which the Administration has never made public) and embedding a “DOGE Team”
 9 at every federal agency. Exec. Order No. 14158, 90 Fed. Reg. 8441 (Jan. 20, 2025). He also
 10 immediately ordered DOGE, along with the Office of Management and Budget (“OMB”) and the
 11 Office of Personnel Management (“OPM”), to create “a plan to reduce the size of the Federal
 12 Government’s workforce.” The White House, *Presidential Actions: Hiring Freeze* (Jan. 20, 2025).

13 6. The President then proceeded to dismantle several government agencies, either
 14 eliminating their functions or transferring and subsuming them within other agencies. Exec. Order
 15 No. 14242, 90 Fed. Reg. 13679 (Mar. 20, 2025) (Education); Exec. Order No. 14238, 90 Fed. Reg.
 16 13043 (Mar. 14, 2025) (seven agencies); Exec. Order No. 14217, 90 Fed. Reg. 10577 (Feb. 19, 2025)
 17 (four agencies); *see also* Exec. Order No. 14169, 90 Fed. Reg. 8619 (Foreign Aid) and Press Release,
 18 U.S. Dep’t of State, *Prioritizing America’s National Interests One Dollar at A Time* (Jan. 29, 2025)
 19 (USAID); *Nat’l Treasury Emps. Union v. Vought*, __ F. Supp. 3d __, No. 25-0381, 2025 WL 942772
 20 (D.D.C. Mar. 28, 2025) (CFPB).

21 7. On February 11, 2025, President Trump issued the Executive Order 14210 that is the
 22 subject of this lawsuit. Executive Order 14210 (hereinafter “Workforce Executive Order” or

23
 24 ¹ Statement by President-elect Donald J. Trump announcing Department of Government
 Efficiency, The American Presidency Project (Nov. 12, 2024):

25 To drive this kind of drastic change, the Department of Government Efficiency [“DOGE”]
 26 will provide advice and guidance from outside of Government, and will partner with the
 White House and Office of Management & Budget to drive **large scale structural reform**,
 27 and create an entrepreneurial approach to Government never seen before.

28 Available at: <https://www.presidency.ucsb.edu/documents/statement-president-elect-donald-j-trump-announcing-that-elon-musk-and-vivek-ramaswamy> (emphasis added).

1 “Executive Order 14210”) ordered all federal agencies to “commence[]” a “**critical transformation**
 2 **of the Federal bureaucracy**” for the purported purpose of “eliminating waste, bloat, and insularity.”
 3 Exec. Order No. 14210, 90 Fed. Reg. 9669 (Feb. 11, 2025) (emphasis added), attached hereto as
 4 Exhibit A.

5 8. This Workforce Executive Order, in pertinent part, requires all federal agencies to
 6 effectuate President Trump’s vision for the radical transformation and downsizing of the federal
 7 government by: 1) freezing agency hiring and allowing OMB and DOGE to control future hiring
 8 government-wide; 2) commencing “large-scale reductions in force” (“RIFs”) that serve the purpose
 9 of stripping away agency functions, eliminating the offices and functions that the President chooses
 10 to eliminate, and dramatically reducing staffing levels throughout the government; and 3) creating
 11 corresponding “reorganization” plans reflecting these RIFs that also address whether the “agency or
 12 any of its subcomponents should be eliminated or consolidated.” *Id.*

13 9. The Workforce Executive Order does not simply suggest or encourage agencies to
 14 exercise their own statutory authority to effectuate a government-wide reorganization: it orders them
 15 to act according to the President’s vision, *regardless* of that statutory authority. The Workforce
 16 Executive Order imposes the following requirements:

- 17 a. Agencies are *required* to commence large-scale RIFs (irrespective of whether staffing
 18 reductions are necessary or even appropriate in light of agency functions, obligations,
 and appropriations);
- 19 b. Agencies are *required* to prioritize in RIFs any “agency initiatives, components, or
 20 operations that my Administration suspends or closes” (irrespective of statutory
 21 requirements, obligations, or authority delegated to the agencies);
- 22 c. Agencies are *required* to prioritize in RIFs levels of staffing equivalent to government
 23 emergency shutdown levels (which have nothing to do with the staffing needed to
 properly run fully appropriated agencies);
- 24 d. Agencies are *required* to consider their own abolition, by addressing whether the
 25 agency or any subparts should be eliminated by the President (again, regardless of
 statutory requirements, obligations, or authority delegated to the agencies);
- 26 e. And finally, agencies are required to reorganize themselves by picking up and
 27 arranging the pieces that are left, following these large-scale reductions.

28 As the President made plain in the White House “Fact Sheet” that accompanied the Executive Order,
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1 the Executive Order furthers the President’s goals of “reforming the federal workforce” and
 2 “reducing the unnecessary footprint of government.”²

3 10. Again and again, the President has explained his plan to reorganize and reform the
 4 *entire federal government*: “I got elected on the basis of making our government stronger and smaller,
 5 because we have millions of people that — obviously, they’re paying millions of people that
 6 shouldn’t be paid.” The White House, *Remarks by President Trump after Executive Order Signing*
 7 (Feb. 18, 2025); *see also* The White House, *Remarks by President Donald J. Trump in Joint Address*
 8 *to Congress* (Mar. 4, 2025) (“Americans have given us a mandate for bold and profound change. For
 9 nearly 100 years, the federal bureaucracy has grown until it has crushed our freedoms, ballooned our
 10 deficits, and held back America’s potential in every possible way. The nation founded by pioneers
 11 and risk-takers now drowns under millions and millions of pages of regulations and debt. ... My
 12 administration will reclaim power from this unaccountable bureaucracy, and we will restore true
 13 democracy to America again.”); The White House, *Fact Sheet: President Donald J. Trump Continues*
 14 *the Reduction of the Federal Bureaucracy* (Mar. 14, 2025) (“President Trump has made reforming the
 15 federal workforce a key priority for his second term.”).

16 11. At no point has Congress authorized President Trump’s actions with respect to the
 17 federal agencies that Congress created in an exercise of its Article I legislative authority, which the
 18 Constitution grants to Congress, not to the President. Unlike President Trump, nine Presidents on 16
 19 occasions, across the political spectrum, have been granted authority by Congress to propose fast-
 20 tracked legislation before reorganizing federal agencies: Presidents Herbert Hoover, Franklin D.
 21 Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, Richard
 22 Nixon, Jimmy Carter, and Ronald Reagan. *See* Cong. Rsch. Serv., RL31446, *Reorganizing the*
 23 *Executive Branch in the 20th Century: Landmark Commissions* (June 10, 2002); *see also* Paul Larkin,
 24 Jr. & John-Michael Seibler, *The President’s Reorganization Authority*, Heritage Foundation Legal
 25 Memorandum No. 210 (July 12, 2017). Congress has given no such authority to President Trump.

27 ² The White House, *Fact Sheet: President Donald J. Trump Works to Remake America’s Federal*
 28 *Workforce* (Feb. 11, 2025).

12. President Trump should well understand the constitutional limits on his authority to reorganize the federal government, because he tried and failed to obtain that authorization during his first term in office. *See* Exec. Order No. 13781, 82 Fed. Reg. 13959 (Mar. 13, 2017) (Comprehensive Plan for Reorganizing the Executive Branch) (ordering OMB to engage in public and agency processes to create a report with recommendations regarding reorganization); Off. of Mgmt. and Budget, *Delivering Government Solutions in the Twenty-First Century: Reform Plan and Reorganization Recommendations* (June 2018).³ As the first-term OMB reorganization report expressly acknowledged, the plans “establish a vision for the Executive Branch that will require further exploration and partnership with the Congress.” *Id.* at 4. Congress did not re-enact reorganization authority for this first-term plan. President Trump determined that in his second term he would proceed without Congress.

13. To serve his goals of radical transformation, the President has also enlisted three centralized agencies with government-wide reach. OMB, OPM, and DOGE are implementing the President’s unconstitutional and unlawful orders to federal agencies by way of requiring all those other agencies to present “Agency RIF and Reorganization Plans” (“ARRPs”) for *approval*, according to parameters and requirements imposed on those agencies. *See* Memorandum from Russel Vought, OMB Director, and Charles Ezell, OPM Acting Director, to Heads of Executive Departments and Agencies re: Guidance on Agency RIF and Reorganization Plans Requested by *Implementing The President's "Department of Government Efficiency" Workforce Optimization Initiative* (Feb. 26, 2025) (attached hereto as Exhibit B). DOGE, for its part, has been dictating to each agency the required cuts to staffing and programs, in the name of “fraud and waste”: “We are

³ Available at: <https://www.whitehouse.gov/wp-content/uploads/2018/06/Government-Reform-and-Reorg-Plan.pdf>. In 2017, President Trump ordered notice and public comment on the creation of these reorganization recommendations: “The Director shall publish a notice in the *Federal Register* inviting the public to suggest improvements in the organization and functioning of the executive branch and shall consider the suggestions when formulating the proposed plan described in subsection (c) of this section.” Exec. Order No. 13781, Sec. 2(b).

1 cutting the waste and fraud in real time. Every day like that passes, our goal is to reduce the waste
2 and fraud by \$4 billion a day every day, seven days a week. And so far, we are succeeding.”⁴

3 14. Through these agents, President Trump’s orders, effectuated by OMB, OPM, and
4 DOGE, require federal agencies within weeks to create plans to reorganize themselves through
5 massive layoffs, for the purpose of President Trump’s desire for “large scale structural reform” and
6 “reducing the size and scope of the federal government.” These orders require agencies to disregard
7 individual authorizing statutes, regulations, and terms that govern each agency, and the requirements
8 of reasoned decision-making. To be clear, the agencies that are directed to submit ARRs are *not* the
9 decision-makers here: even if they are quickly creating and submitting these plans, they are required
10 to submit plans that follow the President’s mandate, according to the President’s designs, and that are
11 only effectuated by OMB and OPM (and DOGE) approval.

12 15. Three months into this Administration, there can be no real doubt that impacted
13 federal agencies are acting according to the direction being given by President Trump through
14 DOGE, OMB, and OPM. Courts throughout the country have rejected this Administration’s attempts
15 to blame agencies for action that this Administration required them to take. *See New York v. Trump*,
16 133 F.4th 51, 65 (1st Cir. 2025) (affirming District of Rhode Island’s conclusion that “any
17 ‘suggest[ion] that the challenged federal funding freezes were purely the result of independent agency
18 decisions’ was ‘disingenuous.’”); *Am. Fed’n of Gov. Emps., AFL-CIO v. Off. of Pers. Mgmt.*, No. 25-
19 cv-01780-WHA (N.D. Cal.), ECF Nos. 44, 45, 120, 132 (holding that OPM, not federal agencies,
20 unlawfully ordered the terminations of probationary employees government-wide); *Does v. Musk*, __
21 F. Supp. 3d __, No. 25-0462, 2025 WL 840574 (D. Md. Mar. 18, 2025) (holding DOGE is directing
22 agency action); *Nat’l Council of Nonprofits v. Off. of Mgmt. & Budget*, __ F. Supp. 3d __, No. 25-cv-
23 239, 2025 WL 597959, at *7 (D.D.C. Feb. 25, 2025) (rejecting contention that “countless federal
24 agencies ... suddenly began exercising their own discretion to suspend funding across the board at the
25

26
27 ⁴ Fox News, *Elon Musk and DOGE team give exclusive look at how they're cutting waste, handle*
28 *critics* (Mar. 27, 2025), available at: <https://www.foxnews.com/video/6370654825112>. Transcript
available at: <https://www.rev.com/transcripts/musk-and-doge-on-brett-baier>.

1 exact same time” because it requires “unfathomable” “coincidental assumptions” and “contradicts the
2 record”).

3 16. Moreover, President Trump himself has touted his ability to control agencies through
4 DOGE, stating that, “after he signs an executive order, it gets ‘passed on to [Musk] and his group’
5 and ‘they’re all getting done.’” *Does v. Musk*, 2025 WL 840574 at *2 (quoting The White House,
6 *Interview of President Trump and Elon Musk by Sean Hannity*, “the Sean Hannity Show”, (Feb. 18,
7 2025)).⁵ The President explained further:

8 [H]e would take that executive order that I’d signed, and he would have those people to
9 whatever agency it was – “when are you doing it? Get it done. Get it done.” And some guy
10 that maybe didn’t want to do it, all of a sudden, he’s signing – he just doesn’t want to be
11 bothered.

12 *Id.*; see also The White House, *Remarks by President Trump Before Cabinet Meeting*, (Feb. 26,
13 2025) (President Trump: “We’re cutting down government. We’re cutting down the size of
14 government. We have to. We’re bloated. We’re sloppy. We have a lot of people that aren’t doing
15 their job”).⁶

16 17. Those who work for President Trump confirm that the President is controlling federal
17 agencies according to his vision:

- 18 • The President’s National Economic Council Director Kevin Hassett, White House
19 Press Briefing (Feb. 20, 2025):
20 I’m saying that *we’re studying every agency and deciding who to let go and*
21 *why*, and we’re doing so very rationally with a lot of support from analysis.
22 (Emphasis added.)⁷
- 23 • Elon Musk, who according to the President, is head of DOGE, told reporters on
24 February 11, 2025 that “the people voted for major government reform and that’s what

25 ⁵ Available at: <https://www.whitehouse.gov/remarks/2025/02/interview-of-president-trump-and-elon-musk-by-sean-hannity-the-sean-hannity-show/>.

26 ⁶ Available at: <https://www.whitehouse.gov/remarks/2025/02/remarks-by-president-trump-before-cabinet-meeting/>.

27 ⁷ The White House, *Press Briefing by Press Secretary Karoline Leavitt, Deputy Chief of Staff*
28 *Stephen Miller, National Economic Council Director Kevin Hassett, and National Security Advisor*
Mike Waltz (Feb. 20, 2025), available at: <https://www.whitehouse.gov/remarks/2025/02/press-briefing-by-press-secretary-karoline-leavitt-deputy-chief-of-staff-stephen-miller-national-economic-council-director-kevin-hassett-and-national-security-advisor-mike-waltz/>.

1 people are going to get.”⁸ Musk, again on March 27, 2025: “Well, this is a revolution,
2 and I think it might be the biggest revolution in government since the original
3 revolution.”⁹

4 18. The Administration has largely not revealed the transformation and downsizing plans
5 to the press, to the public (even in response to FOIA requests), in response to union information
6 requests, or to Congress. OMB and OPM required all federal agencies to submit the ARRs in a two-
7 stage approval process, by deadlines of March 13 and April 14, 2025. The Administration has
8 refused to make either the March 13 or April 14 version of the ARRs public, claiming they are “pre-
9 decisional” because they have not been approved by OMB, and that employees and the public will
10 learn what these plans are only when the reorganization occurs and RIF notices come out:

11 It’s no secret the Trump Administration is dedicated to downsizing the federal
12 bureaucracy and cutting waste, fraud, and abuse. This document is a pre-deliberative
13 draft and does not accurately reflect final reduction in force plans.... When President
14 Trump’s Cabinet Secretaries are ready to announce reduction in force plans, they will
15 make those announcements to their respective workforces at the appropriate time.

16 Email from White House Principal Deputy Press Secretary Harrison Fields, as reported by the
17 Washington Post.¹⁰

18 19. What information Plaintiffs have painstakingly collected is gleaned from RIF notices
19 that have been issued to date, press coverage of agency sources and leaked government documents,
20 and statements by the President and agency heads describing general plans. That information reveals
21 that the Administration is actively implementing this unprecedented reorganization now. The
22 American people have a right to know what the President is doing to dismantle their federal
23 government.

24 ⁸ Gov’t Exec., *Trump orders agencies to plan for widespread layoffs and attrition-based hiring*,
(Feb. 11, 2025), available at: <https://www.govexec.com/workforce/2025/02/trump-orders-agencies-plan-widespread-layoffs-and-attrition-based-hiring/402938/>.

25 ⁹ Fox News, *Elon Musk and DOGE team give exclusive look at how they're cutting waste, handle critics* (Mar. 27, 2025), available at: <https://www.foxnews.com/video/6370654825112>. Transcript
26 available at: <https://www.rev.com/transcripts/musk-and-doge-on-brett-baier>.

27 ¹⁰ Washington Post, *Internal White House document details layoff plans across U.S. agencies*
(March 27, 2025), available at: <https://www.washingtonpost.com/politics/2025/03/27/federal-worker-layoffs-government-agencies/>.

20. Details are emerging: in late March, pursuant to the mandate of Executive Order 14210, the Department of Health and Human Services (“HHS”) began eliminating more than 10,000 positions throughout the Center for Disease Control (“CDC”), Food and Drug Administration (“FDA”), the National Institutes of Health (“NIH”), among other programs, throwing the medical, public health, and scientific community into utter chaos.¹¹ As of April 15, 2025, the IRS was slated to commence RIFs ultimately totaling 40% of its workforce, including over 50% of the tax enforcement staff (the very staff that *brings in revenue to the government*).¹² On April 22, 2025, the EPA began sending RIF notices to employees across its headquarters and regional offices.¹³ Other agencies are right behind (*see infra* ¶¶189–256):

- The Department of Agriculture will eliminate at least 9,000 positions and entire regional offices and Research Stations within the Forest Service, taking staff down to at least 2019 levels;
- The Department of Energy will terminate 43% of its staff, eliminating offices and functions (including more than 500 positions at the Nuclear National Security Administration and eliminating the Office of Clean Energy Demonstrations entirely);
- The U.S. Environmental Protection Agency will reportedly lose 65% of its staff and effectively the entire Office of Research and Development (over 1,000 chemists, biologists, toxicologists and other scientists), among others;
- The Department of Housing and Urban Development is looking to cut approximately 51% of staff, eliminating and consolidating offices and functions;
- The Department of the Interior is going to engage in large-scale RIFs of positions and programs that are deemed not “critical to public safety” or not “linked to highest priority programs”;

¹¹ See March 27, 2025 Press Release: HHS Announces Transformation to Make America Healthy Again, available at: <https://www.hhs.gov/press-room/hhs-restructuring-doge.html>.

¹² Fed. News Network, *IRS outlines plan to cut up to 40% of workforce, as tax filing season ends*, (Apr. 15, 2025), available at: <https://federalnewsnetwork.com/workforce/2025/04/irs-outlines-plan-to-cut-up-to-40-of-workforce-as-tax-filing-season-ends/>. The IRS began RIFs with one office in March. Gov’t Exec., *IRS sends RIF notices as it begins widespread layoffs* (Apr. 4, 2025), available at: <https://www.govexec.com/workforce/2025/04/irs-sends-rif-notices-it-begins-widespread-layoffs/404317/>. On April 23, 2025, the IRS confirmed the RIFs are ongoing. Fed. News Network, *IRS layoff notices to employees delayed by ‘glitches,’* (Apr. 23, 2025), available at: <https://federalnewsnetwork.com/workforce/2025/04/irs-layoff-notices-to-employees-delayed-by-glitches/>.

¹³ Reuters, *EPA begins layoffs of environmental justice staff* (Apr. 22, 2025), available at: <https://www.reuters.com/business/world-at-work/epa-begins-layoffs-environmental-justice-staff-2025-04-22/>.

- The Department of Labor will eliminate the entire Office of Federal Contract Compliance Programs, among other cuts;
- The Small Business Administration will lay off 43% of staff;
- The Social Security Administration will engage in “agency-wide organizational restructuring that will include significant workforce reductions” that the agency describes as “massive reorganizations” eliminating over 5,000 positions and potentially closing up to 47 field offices; and
- The Department of Veterans’ Affairs looks to roll back to at least 2019 staffing levels by cutting *over 83,000 jobs across the country*, in critical veterans’ service roles.

The list goes on, because the President has directed nearly every agency to make massive cuts to its workforce in furtherance of a reorganization of the entire federal government. These are no minor reforms or policy judgments: this is an express attempt to “transform” the country’s federal administrative structure.

21. By ordering and enacting the radical transformation President Trump contends he was elected to enact, President Trump has exceeded any constitutional authority granted to him in Article II or statutorily delegated by Congress and has thereby usurped Congress’s Article I authority. President Trump’s Executive Order 14210 requiring agencies to engage in these large-scale RIF and reorganization plans is therefore *ultra vires* and unconstitutional.

22. Moreover, neither OMB, OPM, nor DOGE have their own authority to order federal agencies to engage in large-scale RIFs or take any other action in service of government reorganization. The statutory authority defined by Congress does not give OMB or OPM any authority to *require* agencies to RIF employees, or to do so according to specific parameters, including because the President has decided to eliminate programs, functions, or positions, or take agencies down to shutdown levels of staff, or for either OMB or OPM to assert decision-making authority over the agencies. Nor does DOGE have any authority to require agencies to meet targets imposed by DOGE for reductions of staff and/or spending. By implementing the President’s orders, OMB, OPM, and DOGE therefore are each exceeding their authority, engaging in arbitrary and capricious action, and ignoring proper procedure, in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (C), and (D).

23. Finally, the impacted agencies themselves do not have the authority to do the President's unconstitutional bidding, under the terms set by the President rather than by Congress. Over and over, newly appointed agency heads have explained that they are reorganizing, eliminating programs, and cutting thousands upon thousands of jobs, because the President directed them to and because DOGE told them how much and what to cut. As Veterans Affairs Secretary Doug Collins stated on the "Fox & Friends" program in early March 2025, the VA's plan to cut 80,000 jobs pursuant to the President's Executive Order was not his idea: "No, that is a goal that was put out ... [as] President Trump and [the Office of Personnel Management] have said let's look at a reduction in force across government,...And that is a goal, that is our target."¹⁴ See also, e.g., U.S. Dep't of Health & Hum. Servs., *Fact Sheet: HHS Transformation to Make America Healthy Again* (Mar. 27, 2025) ("The restructuring of HHS is proceeding in accordance with President Trump's Executive Order").¹⁵ By implementing the President's unconstitutional orders, effectuated by DOGE's, OMB's, and OPM's requirements, these agencies have acted and are acting not in accordance with law and are engaged in arbitrary and capricious action in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A) and (C).

24. The President's insistence on implementing this politically driven "mandate" comes at a nearly immeasurable cost to federal agencies, millions of public employees, state and local governments, and all those who depend on the services the agencies provide every day. Plaintiffs stand together to name these harms at their source, pursue their right to judicial review, and stop actions that threaten the very foundations of our constitutional democracy.

25. And so it falls upon this Court to play its Article III role in restraining the President's unconstitutional acts and the unlawful actions of the agencies that implement those directives. *Marbury v. Madison*, 5 U.S. 137 (1803). None of the actions at issue here are dedicated by the Constitution to the President and out of this Court's reach. Plaintiffs call upon this Court to hold unlawful President Trump's unconstitutional reorganization and dismantling of the federal

¹⁴ The Hill, *VA Secretary: Cutting 80,000 is "our target,"* (Mar. 10, 2025), available at: <https://www.yahoo.com/news/va-secretary-cutting-80-000-170115439.html>.

¹⁵ Available at: <https://www.hhs.gov/press-room/hhs-restructuring-doge-fact-sheet.html>.

1 government by and through Executive Order 14210, and to enjoin the actions of the agencies
2 implementing that unconstitutional presidential order.

3 **JURISDICTION AND VENUE**

4 26. This Court has jurisdiction pursuant to 28 U.S.C. § 1331.

5 27. Venue is appropriate in this district under 28 U.S.C. § 1391(e). Plaintiffs AFGE,
6 AFGE Local 1122, AFGE Local 1236, AFGE Local 2110, AFGE Local 3172, AFSCME, SEIU, SEIU
7 Local 521, SEIU Local 1000, and SEIU Local 1021 represent federal, state, and/or local government
8 employees whose place of employment is within the Northern District of California, and Plaintiffs the
9 City and County of San Francisco and the County of Santa Clara are located within the Northern
10 District of California.

11 28. Intradistrict assignment is appropriate in the San Francisco/Oakland division of this
12 Court.

13 **PARTIES**

14 29. Plaintiff AFGE is a labor organization and unincorporated association headquartered at
15 80 F Street N.W., Washington, D.C. 20001. AFGE, the largest union of federal employees, represents
16 approximately 800,000 federal civilian employees through its affiliated councils and locals at 192
17 Departments, agencies and sub-agencies of the federal government, and in every state in the United
18 States.

19 30. Plaintiff AFSCME is a labor organization and unincorporated association
20 headquartered at 1625 L Street, N.W., Washington, D.C. 20036. AFSCME is the largest trade union
21 of public employees in the United States, with 1.4 million members organized into approximately
22 3,400 local unions, 58 councils and affiliates in 46 states, the District of Columbia, and Puerto Rico.
23 AFSCME members include nurses, corrections officers, child care providers, emergency medical
24 technicians, sanitation workers, school bus drivers, civil engineers, policy analysts, and more, all with
25 one thing in common: a dedication to making our communities stronger, healthier, and safer.
26 AFSCME represents federal civilian employees in numerous agencies and departments across the
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1 federal government, and state and local government employees who rely on the services of the
2 federal government every day.

3 31. Plaintiff SEIU is a labor organization of approximately two million working people
4 united by the belief in the dignity and worth of workers and the services they provide. SEIU's
5 members work in healthcare, the public sector, and property services. SEIU has more than 150
6 affiliates across the United States, Canada, and Puerto Rico, and is headquartered at 1800
7 Massachusetts Ave., N.W., Washington, D.C. 20036. SEIU members include physicians, technicians,
8 long-term care workers, janitors, security officers, airport workers, librarians, childcare workers,
9 educators, fast food workers, employees who work for city, county, and federal governments, and
10 many more. SEIU, together with its local affiliates, represent approximately 80,000 federal sector
11 employees in the United States, including nurses, doctors, other healthcare workers, police officers,
12 firefighters, first responders, office workers, scientists, engineers, analysts, maintenance workers, and
13 more. SEIU federal sector members provide a broad swath of services and bring a substantial amount
14 of expertise to numerous agencies across the federal government. SEIU also represents about
15 785,000 care providers and over 700,000 non-federal public sector employees employed by states,
16 counties, cities, and school boards across the country, which rely on federal agencies in order to
17 continue providing essential services to their communities. SEIU's members also include
18 approximately 6,000 workers employed by contractors to provide cleaning, security, maintenance,
19 and other services at federally owned and federally leased sites run by numerous federal agencies.

20 32. Plaintiff AFGE Local 1122 is a labor organization and unincorporated association
21 headquartered in Richmond, California. AFGE Local 1122 represents approximately 600 employees
22 at a Social Security Administration Western Program Service Center in Richmond, California, in
23 addition to other units within SSA's San Francisco region. Those employees work in positions
24 including Claims Specialists, Benefits Authorizers, and other clerical staff.

25 33. Plaintiff AFGE Local 1236 is a labor organization and unincorporated association
26 headquartered in San Francisco, California. AFGE Local 1236 represents approximately 74 attorney-
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1 advisors at Environmental Protection Agency Region 9 Headquarters in San Francisco, California,
2 and EPA's National Center for Radiation Field Operations in Las Vegas, Nevada.

3 34. Plaintiff AFGE Local 2110 is a labor organization and unincorporated association
4 headquartered in Palo Alto, California. AFGE Local 2110 represents approximately 4,000 employees
5 at the Department of Veterans' Affairs Palo Alto Health Care System, including its Menlo Park and
6 Livermore Divisions, and at several Community-Based Outpatient Clinics in Fremont, San José,
7 Monterey, and Capitola. Those employees work as doctors, nurses, emergency medical services
8 personnel, food service workers, custodial staff, and administrative staff.

9 35. Plaintiff AFGE Local 3172 is a labor organization and unincorporated association
10 headquartered in Pacifica, California. AFGE Local 3172 represents approximately 1,600 employees
11 at SSA field offices in California and Nevada. Those employees work in positions including Claims
12 Services Representatives, Claims Specialists, Technical Experts, and other administrative and
13 facilities staff.

14 36. Plaintiff SEIU Local 521 is a labor organization and unincorporated association
15 headquartered in San José, California. SEIU Local 521 represents over 72,000 members who work
16 for cities, counties, public schools, public offices of education, public hospital districts, transit
17 authorities, federally qualified healthcare clinics, private non-profits, and Head Start child care
18 agencies in the state of California, and who operate family childcare provider services. SEIU Local
19 521's members live and work throughout the state, including in the counties of San Mateo, Santa
20 Clara, Santa Cruz, Monterey, and San Benito. The members represented by SEIU Local 521 work in
21 nearly most classifications in county and public district hospitals, social services agencies, and in
22 Head Start agencies and family provider childcare settings.

23 37. Plaintiff SEIU Local 1000 is a labor organization and unincorporated association
24 headquartered in Sacramento and has a Coastal & Central Representation office located at 436 14th
25 Street, Suite 200, in Oakland, California. SEIU Local 1000 represents approximately 96,000
26 employees who work in the California state government. Those employees live and work throughout
27 the State, including in San Francisco, Oakland, and Sacramento. The employees represented by
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1 SEIU Local 1000 work in a wide range of positions across the state government, including as office
2 assistants, secretaries, data entry staff, technical assistants, information technology analysts,
3 accounting officers, auditors, and departmental analysts.

4 38. Plaintiff SEIU Local 1021 is a labor organization and unincorporated association
5 headquartered in Oakland, California. SEIU Local 1021 represents approximately 70,000 members
6 who work for cities, counties, public schools, public hospital districts, transit authorities, federally
7 qualified healthcare clinics, private non-profits, private higher education institutions, and Head Start
8 child care agencies in the state of California. SEIU Local 1021's members live and work throughout
9 the state, including in the counties of Alameda, Contra Costa, Del Norte, Humboldt, Marin,
10 Mendocino, Napa, San Francisco, and Sonoma. The members represented by SEIU Local 1021 work
11 in most classifications in county and public district hospitals, social services agencies, and in Head
12 Start agencies.

13 39. Plaintiff Alliance for Retired Americans ("ARA" or the "Alliance") is a grassroots
14 organization with 4.4 million retiree members. Founded by the AFL-CIO Executive Council in 2001,
15 the Alliance has 40 state alliances and members in every state, including 950,000 members—nearly
16 300,000 of whom are retirees—in California. The Alliance's retiree members are from all walks of
17 life. They are former teachers, industrial workers, state and federal government workers,
18 construction workers, and community leaders united in the belief that every American deserves a
19 secure and dignified retirement after a lifetime of hard work.

20 40. Plaintiff American Geophysical Union ("AGU") is a 501(c)(3) membership
21 association for Earth and space scientists. The organization, founded in 1919, pursues a mission "to
22 support and inspire a global community of individuals and organizations interested in advancing
23 discovery in Earth and space sciences and its benefit for humanity and the environment." AGU has
24 more than 42,000 members worldwide, with 29,000 residing in the U.S., of whom more than 4,000
25 are in California; approximately 8,400 of those members work in the federal government, 28,000 are
26 university researchers, and 2,000 are scientists at nonprofit organizations. In addition to traditional
27 career support provided by an association, AGU publishes a portfolio of 24 high-impact scholarly
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1 journals and convenes regular scientific meetings, including its Annual Meeting, which had more
2 than 30,000 attendees in 2024.

3 41. Plaintiff the American Public Health Association (“APHA”) is a non-partisan, non-
4 profit organization that champions the health of all people and all communities; strengthens the
5 profession of public health; shares the latest research and information; promotes best practices; and
6 advocates for public health issues and policies grounded in scientific research. APHA represents
7 more than 23,000 individual members who reside in all 50 states, including 2,100 individual
8 members in California, and also has 52 state and regional affiliates. APHA’s membership also
9 includes organizational members, including groups interested in health, state and local health
10 departments, and health-related businesses. APHA is the only organization that combines a 150-year
11 perspective, a broad-based member community, and the ability to influence federal policy to improve
12 the public’s health. APHA’s membership additionally includes more than 250 California students in
13 university public health schools or related programs, and over 50 California agency or organizational
14 members, including the California Department of Public Health, Contra Costa County Public Health,
15 Marin County Public Health, and the Los Angeles Trust for Children’s Health.

16 42. Plaintiff Center for Taxpayer Rights is a nonpartisan nonprofit organization dedicated
17 to furthering taxpayers’ awareness of and access to taxpayer rights. The Center accomplishes its
18 mission, in part, by educating the public and government officials about the role taxpayer rights play
19 in promoting compliance and trust in systems of taxation. The Center provides technical support for
20 the establishment and expansion of taxpayer advocate and ombuds offices as independent voices of
21 taxpayer rights and systemic change. The Center develops materials to educate the public about the
22 function of taxes and taxpayer rights in civil society. The organization also develops training
23 programs for tax administration officials as a component of leadership training. Through the Center’s
24 Low Income Taxpayer Clinic (“LITC”), the organization provides free representation to low-income
25 taxpayers in disputes with the IRS and in the federal courts. All of the clients of the Center’s LITC
26 are low-income taxpayers. The Center also operates LITC Connect, a nationwide network of Low-
27 Income Taxpayer Clinics and volunteer attorneys, certified public accountants, and enrolled
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1 agents that matches LITCs with tax professionals who can provide pro bono representation to low-
2 income taxpayers and support for specific issues. The Center, through LTC Connect, provides
3 training when needed to LTC staff and tax professionals supporting LITCs in serving low-income
4 taxpayers and hosts weekly calls with LITCs who are LTC Connect members. In 2023, LITCs, most
5 of whom are members of LTC Connect and the weekly calls, represented nearly 20,000 taxpayers
6 nationwide, educated over 140,000 taxpayers and service providers about their rights and
7 responsibilities before the IRS, secured over \$10 million in tax refunds, and decreased or corrected
8 over \$41 million in tax liabilities.

9 43. Plaintiff Coalition to Protect America's National Parks ("Parks Coalition") is a non-
10 profit organization made up of over 4,000 members, all of whom are current, former, and retired
11 employees and volunteers of the National Park Service. Together, they have accumulated over
12 50,000 years of experience caring for America's most valuable natural and cultural resources. The
13 Coalition's goal is to support the preservation and protection of the National Park System and the
14 mission-related programs of the National Park Service ("NPS") to ensure the survival of the park
15 system for generations to come. The Coalition's members are regular and avid users of the National
16 Park System and NPS programs, as well as the national forests and other public lands, for recreation
17 and conservation activities.

18 44. Plaintiff Common Defense Civic Engagement ("Common Defense") is a grassroots
19 membership organization of progressive veterans, military families, and civilian supporters standing
20 up for our communities against the rising tide of racism, hate, and violence. Common Defense
21 invests in the leadership of its members through training and deployment in campaigns that connect
22 directly to their history of service, including voting rights, climate justice, and anti-militarism.
23 Approximately 33,187 of Common Defense's members live in California, including approximately
24 2,000 veterans.

25 45. Plaintiff Main Street Alliance ("MSA") is a national network of small businesses, with
26 approximately 30,000 members throughout the United States. MSA helps small business owners
27 realize their full potential as leaders for a just future that prioritizes good jobs, equity, and community
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1 through organizing, research, and policy advocacy. MSA also seeks to amplify the voices of its small
2 business membership by sharing their experiences with the aim of creating an economy where all
3 small business owners have an equal opportunity to succeed. MSA is nonpartisan and is a Section
4 501(c)(3) organization. MSA has approximately 1,410 small business members in California,
5 including more than 70 small businesses in Alameda, Santa Clara, San Francisco, Sonoma, and
6 Contra Costa Counties.

7 46. Plaintiff Natural Resources Defense Council, Inc. (NRDC) is a not-for-profit
8 environmental and public health membership organization that works to ensure the rights of all
9 people to clean air, clean water, and healthy communities. NRDC has many hundreds of thousands
10 of members throughout the United States. NRDC engages in research, policy analysis, advocacy,
11 public education, and litigation to protect public health and the environment. As part of its work,
12 NRDC petitions federal agencies for rulemaking and other actions to protect the environment and
13 human health, comments on proposed regulations issued by federal agencies, researches and informs
14 its members about important environmental and public health issues, and publishes scientific papers
15 and advocacy briefs to inform the scientific community, policymakers, and the public.

16 47. Plaintiff Northeast Organic Farming Association Inc. (“NOFA”) is a non-profit
17 organization of over 5,000 farmers, farmworkers, gardeners, landscape professionals, and consumers
18 working to promote healthy food, organic farming practices, and a cleaner environment. NOFA is
19 comprised of seven state-chapters: Connecticut, Massachusetts, New Hampshire, New Jersey, New
20 York, Rhode Island, and Vermont. Each of these organizations offers educational conferences,
21 workshops, farm tours, and printed materials to educate farmers, gardeners, consumers, and land care
22 professionals on organic farming. NOFA also publishes a quarterly newspaper, *The Natural Farmer*,
23 that provides features on organic farming techniques, certification issues, organic market conditions,
24 and environmental developments that may impact farmers and growers; administers the Organic
25 Land Care program, which trains landscape professionals and others on the principles and practices
26 of organic land care, as laid out by the *NOFA Standards for Organic Land Care*; runs a professional
27 accreditation program; provides advice, support and cross-credentialing to partner institutions
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1 engaged in sustainable landscape education; and educates the public about the importance of using
2 standards-based organic landscaping services.

3 48. Plaintiff VoteVets Action Fund Inc. (“VoteVets”) is a non-partisan, non-profit
4 organization incorporated under the laws of the District of Columbia. Its purpose is to lift up the
5 voices of veterans on matters of national security, veterans’ care, and everyday issues that affect the
6 lives of those who served as well as their families including foreign policy, veterans’ unemployment,
7 robust investment in care for veterans, energy security, protecting the rights of those who serve, and
8 upholding the Constitution and democracy that every military member swore to uphold and protect.
9 VoteVets has nearly two million supporters across the country, in all fifty states, with whom it
10 regularly communicates about issues affecting veterans, including the operations, programs, and
11 services available through the VA. Approximately 417,000 of VoteVets’ supporters live in California,
12 including 131,000 in Northern California.

13 49. Plaintiff Western Watersheds Project (“WWP”) is a non-profit environmental
14 conservation group that works to influence and improve public lands management throughout the
15 western United States to protect native species and conserve and restore the habitats they depend
16 on. WWP’s primary focus is on the negative impacts of livestock grazing, including harm to
17 ecological, biological, cultural, historic, archeological, scenic resources, wilderness values, roadless
18 areas, Wilderness Study Areas, and designated Wilderness. WWP was founded in 1993 and has more
19 than 14,000 members and supporters and field offices in Colorado, Utah, Idaho, Montana, Wyoming,
20 Arizona, Nevada, and Oregon. WWP covers over 250 million acres of public land spanning all of the
21 western states.

22 50. The Plaintiffs identified in the preceding paragraphs are all proceeding on their own
23 behalf as an organization, including based on injury to their mission and organizational activities, as
24 well as on a representative or associational basis, based on injury to their members.

25 51. Plaintiff County of Santa Clara, California (“Santa Clara”) is a charter county and
26 political subdivision of the State of California.

1 52. Plaintiff Martin Luther King, Jr. County (“King County”) is a home rule charter
2 county organized and existing under and by virtue of the constitution and laws of the State of
3 Washington.

4 53. Plaintiff the Mayor and City Council of Baltimore (“Baltimore”) is the corporate
5 identity of the Plaintiff City of Baltimore, Maryland, a home-rule jurisdiction created by the
6 Baltimore City Charter as an entity that may sue and be sued.

7 54. Plaintiff Harris County, Texas (“Harris County”) is a local government entity in the
8 state of Texas.

9 55. Plaintiff the City of Chicago, Illinois (“Chicago”) is a municipal corporation and home
10 rule unit organized and existing under the constitution and laws of the State of Illinois.

11 56. Plaintiff the City and County of San Francisco (“San Francisco”) is a municipal
12 corporation organized and existing under and by virtue of the laws of the State of California and is a
13 charter city and county.

14 57. Defendant Donald J. Trump is the President of the United States and is sued in his
15 official capacity.

16 58. Defendant Office of Management and Budget (“OMB”) is a federal agency
17 headquartered in Washington, D.C. OMB is a federal agency within the meaning of the
18 Administrative Procedure Act (“APA”), 5 U.S.C. § 551(1).

19 59. Defendant Russell Vought is the Director of OMB and is sued in his official capacity.

20 60. Office of Personnel Management (“OPM”) is a federal agency headquartered in
21 Washington, D.C. OPM is a federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

22 61. Defendant Charles Ezell has been the Acting Director of OPM since January 20, 2025.
23 He is sued in his official capacity.

24 62. Defendant Department of Government Efficiency (“DOGE”) is a federal agency
25 headquartered in Washington, D.C. DOGE is a federal agency within the meaning of the APA, 5
26 U.S.C. § 551(1).

27 63. Defendant Elon Musk is the actual head of DOGE and is sued in his official capacity.

64. Defendant Amy Gleason is the titular Acting Administrator of DOGE and is sued in her official capacity.

65. The following federal departments and agencies, including their agency heads, may be referred to collectively herein as “Federal Agency Defendants.” For purposes of this Amended Complaint, the Federal Agency Defendants do not include OMB, OPM, or DOGE, which will be specifically identified. The Federal Agency Defendants are sued for their own unlawful conduct in Claims Six and Seven below, and also pursuant to Rule 19 for purposes of effectuating complete relief as to Claims One through Five against the President, OMB, OPM, DOGE and their agency heads.

66. Defendant United States Department of Agriculture (“USDA” or “Agriculture”) is a federal agency headquartered in Washington, D.C. USDA is a federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

67. Defendant Brooke Rollins is the Secretary of Agriculture and is sued in her official capacity.

68. Defendant United States Department of Commerce (“Commerce”) is a federal agency headquartered in Washington, D.C. Commerce is a federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

69. Defendant Howard Lutnick is the Secretary of Commerce and is sued in his official capacity.

70. Defendant United States Department of Defense (“DoD” or “Defense”) is a federal agency headquartered in Washington, D.C. Defense is a federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

71. Defendant Pete Hegseth is the Secretary of Defense and is sued in his official capacity.

72. Defendant United States Department of Energy (“Energy”) is a federal agency headquartered in Washington, D.C. Energy is a federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

73. Defendant Chris Wright is the Secretary of Energy and is sued in his official capacity.

1 74. Defendant United States Department of Health and Human Services (“HHS”) is a
2 federal agency headquartered in Washington, D.C. HHS is a federal agency within the meaning of
3 the APA, 5 U.S.C. § 551(1).

4 75. Defendant Robert F. Kennedy Jr. is the Secretary of HHS and is sued in his official
5 capacity.

6 76. Defendant United States Department of Homeland Security (“DHS”) is a federal
7 agency headquartered in Washington, D.C. DHS is a federal agency within the meaning of the APA,
8 5 U.S.C. § 551(1).

9 77. Defendant Kristi Noem is the Secretary of DHS and is sued in her official capacity.

10 78. Defendant United States Department of Housing and Urban Development (“HUD”) is
11 a federal agency headquartered in Washington, D.C. HUD is a federal agency within the meaning of
12 the APA, 5 U.S.C. § 551(1).

13 79. Defendant Scott Turner is the Secretary of HUD and is sued in his official capacity.

14 80. Defendant United States Department of Justice (“DOJ”) is a federal agency
15 headquartered in Washington, D.C. DOJ is a federal agency within the meaning of the APA, 5 U.S.C.
16 § 551(1).

17 81. Defendant Pam Bondi is the Attorney General and is sued in her official capacity.

18 82. Defendant United States Department of the Interior (“DOI” or “Interior”) is a federal
19 agency headquartered in Washington, D.C. Interior is a federal agency within the meaning of the
20 APA, 5 U.S.C. § 551(1).

21 83. Defendant Doug Burgum is the Secretary of the Interior and is sued in his official
22 capacity.

23 84. Defendant United States Department of Labor (“DOL”) is a federal agency
24 headquartered in Washington, D.C. DOL is a federal agency within the meaning of the APA, 5
25 U.S.C. § 551(1).

26 85. Defendant Lori Chavez-DeRemer is the Secretary of Labor and is sued in her official
27 capacity.

1 86. Defendant United States Department of State (“State”) is a federal agency
2 headquartered in Washington, D.C. State is a federal agency within the meaning of the APA, 5
3 U.S.C. § 551(1).

4 87. Defendant Marco Rubio is the Secretary of State and is sued in his official capacity.

5 88. Defendant United States Department of Treasury (“Treasury”) is a federal agency
6 headquartered in Washington, D.C. Treasury is a federal agency within the meaning of the APA, 5
7 U.S.C. § 551(1).

8 89. Defendant Scott Bessent is the Secretary of Treasury and is sued in his official
9 capacity.

10 90. Defendant United States Department of Transportation (“DOT”) is a federal agency
11 headquartered in Washington, D.C. DOT is a federal agency within the meaning of the APA, 5
12 U.S.C. § 551(1).

13 91. Defendant Sean Duffy is the Secretary of Transportation and is sued in his official
14 capacity.

15 92. Defendant United States Department of Veterans Affairs (“the VA”) is a federal
16 agency headquartered in Washington, D.C. The VA is a federal agency within the meaning of the
17 APA, 5 U.S.C. § 551(1).

18 93. Defendant Doug Collins is the Secretary of Veterans Affairs and is sued in his official
19 capacity.

20 94. Defendant AmeriCorps (a.k.a. the Corporation for National and Community Service)
21 is a federal agency headquartered in Washington, D.C. AmeriCorps is a federal agency within the
22 meaning of the APA, 5 U.S.C. § 551(1).

23 95. Defendant Jennifer Bastress Tahmasebi is the Interim Agency Head of AmeriCorps
24 and is sued in her official capacity.

25 96. Defendant United States Environmental Protection Agency (“EPA”) is a federal
26 agency headquartered in Washington, D.C. EPA is a federal agency within the meaning of the APA, 5
27 U.S.C. § 551(1).

1 97. Defendant Lee Zeldin is the EPA Administrator and is sued in his official capacity.

2 98. Defendant United States General Services Administration (“GSA”) is a federal agency
3 headquartered in Washington, D.C. GSA is a federal agency within the meaning of the APA, 5
4 U.S.C. § 551(1).

5 99. Defendant Stephen Ehikian is the GSA Acting Administrator and is sued in his official
6 capacity.

7 100. Defendant National Labor Relations Board (“NLRB”) is a federal agency
8 headquartered in Washington, D.C. NLRB is a federal agency within the meaning of the APA, 5
9 U.S.C. § 551(1).

10 101. Defendant Marvin Kaplan is the Chairman of the NLRB and is sued in his official
11 capacity.

12 102. Defendant William Cowen is the Acting General Counsel of the NLRB and is sued in
13 his official capacity.

14 103. Defendant National Science Foundation (“NSF”) is a federal agency headquartered in
15 Alexandria, Virginia. NSF is a federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

16 104. Defendant Brian Stone is the Acting Director of the NSF and is sued in his official
17 capacity.

18 105. Defendant Peace Corps is a federal agency headquartered in Washington, D.C. Peace
19 Corps is a federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

20 106. Defendant Allison Greene is the Chief Executive Officer of the Peace Corps and is
21 sued in her official capacity.

22 107. Defendant United States Small Business Administration (“SBA”) is a federal agency
23 headquartered in Washington, D.C. SBA is a federal agency within the meaning of the APA, 5 U.S.C.
24 § 551(1).

25 108. Defendant Kelly Loeffler is the Administrator of the SBA and is sued in her official
26 capacity.

109. Defendant United States Social Security Administration (“SSA”) is a federal agency headquartered in Baltimore, Maryland. SSA is a federal agency within the meaning of the APA, 5 U.S.C. § 551(1).

110. Defendant Leland Dudek is the Acting Commissioner of the SSA and is sued in his official capacity.

FACTUAL ALLEGATIONS

I. The Constitution's Distribution of Legislative and Executive Authority With Respect to the Agencies of the Federal Government

111. Article I vests in Congress the legislative power to create the departments, agencies, and offices within the executive branch; to define their duties; and to fund their activities. U.S. Const. art. I, § 1 (“All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”); *INS v. Chadha*, 462 U.S. 919 (1983). Thus, “[t]o Congress under its legislative power is given the establishment of offices ... [and] the determination of their functions and jurisdiction.” *Myers v. United States*, 272 U.S. 52, 129 (1926); U.S. Const. art I, § 8, cl. 18 (“The Congress shall have Power To...make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”). Congress thus “control[s]” the very “existence of executive offices.” *Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*, 561 U.S. 477, 500 (2010); *see also Nat’l Fed’n of Indep. Bus. v. Dep’t of Lab., OSHA*, 595 U.S. 109, 117 (2022) (“Administrative agencies are creatures of statute.”).

112. Among Congress’s very first acts were “establishing executive departments and staffs.” David Engdahl, Necessary and Proper Clause, *The Heritage Guide to the Constitution*, The Heritage Foundation.¹⁶ When the First Congress created the Treasury Department, for example, it established therein “distinct offices—Secretary, Comptroller, Auditor, Treasurer and Register—and their duties.” Harvey C. Mansfield, *Reorganizing the Federal Executive Branch: The Limits of Institutionalization*, 35 L. & Contemporary Problems 462, 463 (1970).

¹⁶ Available at: <http://www.heritage.org/constitution/#!/articles/1/essays/59/necessary-and-proper-clause>.

1 113. Those executive agencies of the federal government are identified in various statutes,
 2 including 5 U.S.C. §§ 101 (listing Cabinet-level departments), 104 (independent establishments), and
 3 105 (defining “agency” to include, inter alia, Cabinet departments and independent establishments).
 4 Each agency has its own authorizing statutes that govern its administration, including statutory
 5 provisions that authorize one or more individuals to act as the head of the agency. *See e.g.*, 10 U.S.C.
 6 §§ 111, 113 (Defense); 16 U.S.C. § 551 (Agriculture/Forest Service); 38 U.S.C. §§ 301, 303 (VA); 42
 7 U.S.C. §§ 202, 203 (HHS); 42 U.S.C §§ 281, 282 (NIH); 42 U.S.C. § 7131 (Energy).

8 114. The President’s Constitutional authority is set forth in Article II. U.S. Const. art. II §
 9 1, cl. 1. (“The executive Power shall be vested in a President of the United States of America.”). The
 10 President has no constitutional legislative authority. *INS v. Chadha*, 462 U.S. 919, 951, 956–59
 11 (1983); *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635 (1952). Thus, the President has
 12 no constitutional power to unilaterally enact, amend, or repeal parts of duly enacted statutes. *Clinton*
 13 *v. City of New York*, 524 U.S. 417, 438–39 (1998). The declared purpose of separating and dividing
 14 the powers of government was to “diffuse[] power the better to secure liberty.” *Youngstown Sheet &*
 15 *Tube Co. v. Sawyer*, 343 U.S. 579, 635 (1952) (Jackson, J., concurring); *see also Bowsher v. Synar*,
 16 478 U.S. 714, 721–22 (1986) (“Justice Jackson’s words echo the famous warning of Montesquieu,
 17 quoted by James Madison in The Federalist No. 47, that ‘there can be no liberty where the legislative
 18 and executive powers are united in the same person, or body of magistrates’....” The Federalist No.
 19 47, p. 325 (J. Cooke ed. 1961).”).

20 115. The Article II “Take Care Clause” requires that “[the President] shall take Care that
 21 the Laws be faithfully executed.” U.S. Const. art. II, § 3. The Take Care Clause “refutes the idea that
 22 [the President] is to be a lawmaker. The Constitution limits his functions in the lawmaking process to
 23 the recommending of laws he thinks wise and the vetoing of laws he thinks bad.” *Youngstown Sheet*
 24 *& Tube Co. v. Sawyer*, 343 U.S. 579, 587 (1952).

25 116. And yet, the President does not execute the laws alone: “He must execute them by the
 26 assistance of subordinates.” *Myers v. United States*, 272 U.S. 52, 117 (1926). “To aid him in the
 27
 28

1 performance of these duties, he is authorized to appoint certain officers, who act by his authority and
2 in conformity with his orders.” *Marbury v. Madison*, 5 U.S. 137, 166 (1803).

3 117. The President’s Constitutional authority with respect to those who assist him in taking
4 care that the law is faithfully executed is established in the Appointments Clause which reads, “The
5 President ... shall nominate, and by and with the Advice and Consent of the Senate, shall appoint ...
6 [the] Officers of the United States, whose Appointments are not herein otherwise provided for, and
7 which shall be established by Law.” U.S. Const. art. II, § 2, cl. 2. That power extends to removal of
8 those appointed officers. *See Myers*, 272 U.S. at 135.

9 118. This does not mean, however, that the President has carte blanche authority over
10 federal agencies. The President may exercise Article II authority to create, reorganize, or abolish an
11 office that he established (such as the Executive Office of the President), but Article II does not
12 authorize the President to fundamentally reorganize the executive branch by, for example, ordering
13 government-wide terminations of federal employees, or restricting or abolishing the congressionally
14 authorized work of even a single agency that he did not establish. *Seila Law LLC v. Consumer Fin.*
15 *Prot. Bureau*, 591 U.S. 197, 217 (2020); *see also Bessent v. Dellinger*, No. 24A79 (U.S.) (Feb. 16,
16 2025 Application to Vacate the Order Issued by the U.S. District Court for the District of Columbia
17 and Request for an Immediate Administrative Stay), at *27 (U.S. Solicitor General conceding:
18 “Agency heads...control hiring and firing decisions for subordinates.” (emphasis added)).

19 119. “The President’s power, if any, to issue [an] order must stem either from an act of
20 Congress or from the Constitution itself.” *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579,
21 585 (1952). The President may, therefore, exercise only that legislative authority that Congress has
22 constitutionally delegated. *Id.* at 587.

23 120. The President does not employ the millions of federal employees; the agencies do. 5
24 U.S.C. § 3101 (“General authority to employ”: “Each Executive agency, military department, and the
25 government of the District of Columbia may employ such number of employees of the various
26 classes recognized by chapter 51 of this title as Congress may appropriate for from year to year.”).
27 Thus, Congress has largely delegated authority, particularly for employment decisions, to the heads of
28

1 the federal agencies, not to the President. *Id.*; *see also, e.g.*, 26 U.S.C. §§ 7803, 7804 (IRS: “the
2 Commissioner of Internal Revenue is authorized to employ such number of persons as the
3 Commissioner deems proper for the administration and enforcement of the internal revenue laws, and
4 the Commissioner shall issue all necessary directions, instructions, orders, and rules applicable to
5 such persons.”).

6 121. Congress has never delegated corresponding authority to the President to make the
7 employment decision to lay off federal employees. Instead, Congress has delegated to the President
8 only rule-making authority to issue government-wide regulations consistent with merit-systems
9 principles required by Congress. *E.g.*, 5 U.S.C. § 2301 (delegating to President rule-making authority
10 “necessary to ensure that personnel management is based on and embodies the merit system
11 principles.”); *id.* § 3301 (regulations for the efficiency of hiring); *id.* § 3302 (authority to create
12 excepted service from the usual competitive requirements). Likewise, to the extent that the authority
13 to engage in reductions-in-force is grounded in statute, that statute only delegates the authority to
14 OPM (not the President) and only to make government-wide rules for the “order of retention,” not to
15 make the decisions. 5 U.S.C. § 3502.

16 122. Nor has Congress delegated to the President the authority to transfer or excise specific
17 programs, functions, or offices that Congress established and placed within a specific agency’s
18 statutory authority or discretion. Such a delegation would come dangerously close to the line-item
19 veto struck down as unconstitutional in *Clinton v. City of New York*, 524 U.S. 417 (1998). Many of
20 President Trump’s recent actions effectively assume that line-item veto power, namely the power to
21 excise programs that do not fall within the President’s desired vision.

22 123. Finally, Congress has not delegated to President Trump the broader authority to
23 impose his transformation on the federal government. When Congress has wanted to grant
24 reorganization authority to a President, it has done so; but that grant of authority that has been used
25 by Presidents over the last century has *not* been reactivated for President Trump.
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II. The 100-Year History of Congressionally Authorized Government Reorganization

124. Congress first delegated to a President the legislative authority to propose reforms to federal agencies in 1932. Economy Act of 1932, Pub. L. 72-212, tit. VI, §§ 401-408, 47 Stat. 413. Since then, from time to time, Congress has delegated to presidential administrations limited authority to propose reorganizations of the executive branch under specified conditions, usually within specified time limits. *See, e.g.*, Economy Act of 1933, Pub. L. 73-2, tit. VI, §§ 401-408, 47 Stat. 1517; Reorganization Act of 1939, Pub. L. 76-19, 53 Stat. 561; Reorganization Act of 1945, Pub. L. 79-263, 59 Stat. 613; Reorganization Act of 1949, Pub. L. 81-109, 63 Stat. 203, as amended by 67 Stat. 4 (1953), 69 Stat. 14 (1955), 71 Stat. 611 (1957), 75 Stat. 41 (1961), 78 Stat. 240 (1964), 79 Stat. 135 (1965), 83 Stat. 6 (1969), and 85 Stat. 574 (1971); and the Reorganization Act of 1977, Pub. L. No. 95-17, 91 Stat. 29 (1977) (codified at 5 U.S.C. §§ 901-913 (1982)), as amended by 94 Stat. 329 (1980) and 98 Stat. 3192 (1984).

125. Nine different Presidents on 16 occasions have been granted this authority to fast-track reorganizations of government, large and small, through the legislative process. *See* Cong. Rsch. Serv., R42852, *Presidential Reorganization Authority: History, Recent Initiatives, and Options for Congress* (Dec. 11, 2012) (“Presidents used the authority for a variety of purposes, from relatively minor reorganizations within individual agencies to the creation of large new organizations, including the Department of Health, Education, and Welfare; the Environmental Protection Agency; and the Federal Emergency Management Agency.”). Presidents have submitted many other proposals that have not been accepted: “Between 1932 and 1984, presidents submitted 126 reorganization proposals to Congress, of which 93 were implemented and 33 were affirmatively rejected by Congress.” *Id.*

126. A House of Representatives committee report for the Reorganization Act of 1977 explained the history of such laws: “Reorganizations, of course, may be made in the executive branch by legislation proposed by the President or originating within the Congress. This reorganization authority [in the Reorganization Act], however, is a cooperative effort by the President

1 and the Congress to expedite needed reorganizations and to respond readily to changed
2 requirements.” H.R. Rep. 95-105, 2, 1977 U.S.C.C.A.N. 41, 42.

3 127. The most recent authorization, the Reorganization Act of 1977, as amended, expired
4 on December 31, 1984, and has not been renewed. 5 U.S.C. § 905(b). The expired law remains
5 codified, however, and is instructive. The law defines reorganization as including changes to the
6 structure of federal agencies effectuated by consolidating and transferring functions *between*
7 agencies, and *within* agencies:

8 (2) the abolition of all or a part of the functions of an agency, except that no
9 enforcement function or statutory program shall be abolished by the plan;

10 ...

11 (4) the consolidation or coordination of part of an agency or the functions thereof with
12 another part of the same agency or the functions thereof;

13 ...

14 (6) the abolition of the whole or a part of an agency which agency or part does not have,
15 or on the taking effect of the reorganization plan will not have, any functions.

16 5 U.S.C. § 903(a).

17 128. In that same law, Congress imposed requirements on the President, first requiring the
18 President to transmit any reorganization plan to Congress, and then that the President explain how
19 any changes to federal agencies would comport with statutory requirements and congressionally
20 authorized funding levels to facilitate Congress’s consideration of the reforms reflected in such a
21 plan:

22 In his message transmitting a reorganization plan, the President shall specify with
23 respect to each abolition of a function included in the plan the statutory authority for
24 the exercise of the function.

25 The message shall also estimate any reduction or increase in expenditures (itemized so
26 far as practicable), and describe any improvements in management, delivery of
27 Federal services, execution of the laws, and increases in efficiency of Government
28 operations, which it is expected will be realized as a result of the reorganizations
included in the plan.

In addition, the President’s message shall include an implementation section which
shall (1) describe in detail (A) the actions necessary or planned to complete the
reorganization, (B) the anticipated nature and substance of any orders, directives, and
other administrative and operational actions which are expected to be required for
completing or implementing the reorganization, and (C) any preliminary actions which
have been taken in the implementation process, and (2) contain a projected timetable

1 for completion of the implementation process.

2 The President shall also submit such further background or other information as the
3 Congress may require for its consideration of the plan.

4 5 U.S.C. § 503(b).

5 129. On some occasions, Congress has denied presidential requests for reorganization
6 authority, as when President Barack Obama sought such authority in 2012. *See* S. 2129, 112th Cong.
7 (2012); H.R. 4409, 112th Cong. (2012). *See also Retooling Government for the 21st Century: The*
8 *President's Reorganization Plan and Reducing Duplication: Hearing Before the S. Comm. on*
9 *Homeland Sec. & Gov't Aff.*, 112th Cong. (2012) (S. Hrg. 112-531). In 2003, reorganization authority
10 for then-President Bush passed the House, but was defeated in the Senate. CRS Report R42852,
11 *supra*, at 32-33.

12 130. Congress, exercising its Article I legislative authority, has also over the decades
13 rejected specific presidential reorganization plans presented through the regular legislative process.
14 These have included, for example, proposals to eliminate the Department of Education, *see, e.g.*, H.R.
15 714, 98th Cong. (1983) and H.R. 1510, 115th Cong. (2017); to merge the Department of Labor, the
16 Department of Commerce, and the Small Business Administration, *see, e.g.* S. 1116, 112th Cong.
17 (2011); and to consolidate parts of several agencies into a new Food Safety Administration. H.R.
18 609, 114th Cong. (2015); among others.

19 131. At other times, Congress has authorized reorganizations via regular legislation, after
20 legislative debate and compromise by the people's representatives in Congress, such as when
21 Congress enacted the Homeland Security Act of 2002, Pub. L. 107-296, 116 Stat. 2135;
22 *Communication from the President of the United States: A Reorganization Plan for the Department of*
23 *Homeland Sec.*, 108th Cong. 16 (Jan. 7, 2003); Cong. Rsch. Serv., RL31493, *Homeland Security*
24 *Department of Organization and Management – Legislative Phase* (Feb. 25, 2003). Congress has
25 also sometimes delegated to the President limited reorganization authority with respect to specific
26 executive agencies, under specific conditions, and for specific periods of time. One such law, for
27 example, authorized a reorganization of the U.S. Agency for International Development (“USAID”)
28 and related foreign affairs agencies in 1998. *See, e.g.*, Pub. L. 105-277, div. G, subdiv. A, § 1601,
AMENDED COMPLAINT, No. 3:25-cv-03698-SI

112 Stat. 2681-795 (1998) (codified at 22 U.S.C. § 6601). Such laws typically set expiration dates for the delegated authority: that particular law, for example, prohibits presidential reorganization of USAID after the effective date of the reorganization plan authorized in 1998. 22 U.S.C. § 6601(e).

132. The long history of this reorganization authority legislation makes abundantly clear that the power is legislative, rests with Congress, and is only delegated to the President when Congress expressly decides to do that.

III. President Trump's First Unsuccessful Attempt at Government Reorganization

133. President Trump should be well aware that he does not possess the constitutional authority to order reorganization of the government and that that is an authority that rests with Congress, as evidenced by his experience during his first term.

134. On March 13, 2017, during his first term, President Trump issued Executive Order 13781, which required the Director of OMB “to propose a plan to reorganize governmental functions and eliminate unnecessary agencies ... , components of agencies, and agency programs.” Exec. Order No. 13781, 82 Fed. Reg. 13959 (2017). OMB’s implementing memorandum created a process for both agency and public input to contribute to a proposed plan. Memorandum from Mick Mulvaney, OMB Director, to Heads of Executive Departments and Agencies re: Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce, M-17-22, at 2 (Apr. 12, 2017).¹⁷

135. OMB released its comprehensive plan to the public on June 21, 2018. OMB, *Delivering Government Solutions in the Twenty-First Century: Reform Plan and Reorganization Recommendations* (June 2018) (hereinafter “2018 Reorganization Plan”).¹⁸

136. The 2018 Reorganization Plan listed 32 proposals and conceded that “significant changes will require legislative action.” *Id.* at 4; *id.* at 21 (emphasizing the Administration’s need for “the support of the Congress,”); *id.* at 55 (“Fully and effectively achieving the end-state vision

¹⁷ Available at:

<https://web.archive.org/web/20170716192101/https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-22.pdf>.

¹⁸ Available at: <https://www.whitehouse.gov/wp-content/uploads/2018/06/Government-Reform-and-Reorg-Plan.pdf>.

presented here would necessarily require a partnership with the Congress, including the granting of statutory authorities as necessary.”). The 2018 Plan committed that, in September 2018, OMB would begin negotiations with Congress for legislative action. *Id.* at 6.

137. In 2018, Rep. Jody Hice (R-GA) introduced a bill that would have resurrected 5 U.S.C. ch. 9 to give President Trump reorganization authority. *See* H.R.6787, 115th Congress (2017-2018).¹⁹ Senator Ron Johnson (R-WI) introduced a companion bill in the Senate. *See* S.3137, 115th Congress (2018).²⁰ The Senate bill cleared the committee following a hearing, but it was never brought up for a vote in the Senate. The Senate’s committee report does not appear to indicate (or even suggest) that the Trump administration expressly requested authority, but OMB’s deputy director testified in support of Trump’s reorganization plan at the committee hearing. *See Reforming Government Act of 2018 Report of Comm. on Gov’t Aff. to Accompany S. 3137*, 115th Cong. 381 (2018).²¹

138. In 2019, the Trump administration issued an update on the progress of the 2018 Plan. Off. of Mgmt. & Budget, Exec. Off. of the President, *One Year [sic] Update: Reform Plan and Reorganization Recommendations* (2019) (hereinafter “2019 Update”).²² The update noted that “some proposals require action by Congress.” *Id.* at 2. Along those lines, the update acknowledged that “Congress has taken action to consider at least 10 of the proposals, via hearings, legislation, or discussions with Members or staff.” *Id.*

139. Congress gave due consideration to the Trump administration’s first-term reorganization ambitions by convening numerous hearings before and after OMB publicly released the 2018 Plan. *See, e.g., FAA Reauthorization: Administration Perspectives: Hearing Before the S. Comm. on Commerce, Science & Transp.*, 115th Cong. (June 7, 2017) (S. Hrg. 115-221);²³ *Agency*

¹⁹ Available at: <https://www.congress.gov/bill/115th-congress/house-bill/6787/subjects>.

²⁰ Available at: <https://www.congress.gov/bill/115th-congress/senate-bill/3137>.

²¹ Available at: <https://www.congress.gov/115/crpt/srpt381/CRPT-115srpt381.pdf>.

²² Available at:

<https://web.archive.org/web/20200716100903/https://www.performance.gov/GovReform/Reform-and-Reorg-Plan-Update.pdf>.

²³ Available at: <https://www.congress.gov/115/chrg/CHRG-115shrg29974/CHRG-115shrg29974.pdf>.

1 *Approaches to Reorganization Examining OMB's Memorandum on the Federal Workforce: Hearing*
2 *Before S. Comm. on Homeland Sec. & Gov't Aff.*, 115th Cong. (June 15, 2017) (S. Hrg. 115-165);²⁴ *A*
3 *Review of the State Department Reauthorization Bill for Fiscal Year 2018 and the State Department*
4 *Reorganization Plans: Hearing Before the S. Comm. on For. Rel.*, 115th Cong. (July 17, 2017) (S.
5 Hrg. 115-704);²⁵ *Examining OMB's Memorandum on The Federal Workforce Part II: Expert Views*
6 *on OMB's Ongoing Government-Wide Reorganization: Hearing Before the S. Comm. on Homeland*
7 *Sec. & Gov't Aff.*, 115th Cong. (Sep. 13, 2017) (S. Hrg. 115-6177);²⁶ *Department of Energy:*
8 *Management and Priorities; Hearing Before the H. Comm. on Science, Space, & Tech.*, 115th Cong.
9 (Jan. 1, 2018) (Serial No. 115-45);²⁷ *Financing Overseas Development: The Administration's*
10 *Proposal: Hearing Before the H. Comm. on For. Rel.*, 115th Cong. (Apr. 11, 2018) (Serial No. 115-
11 119);²⁸ *Workforce for the 21st Century: Analyzing the President's Management Agenda: Hearing*
12 *Before the H. Comm. on Oversight & Gov't Reform*, 115th Cong. (May 16, 2018) (Serial No. 115-
13 96);²⁹ *USAID Resources and Redesign: Hearing Before the S. Comm. on For. Rel.*, 115th Cong. (June
14 20, 2018) (S. Hrg. 115-791);³⁰ *Examining the Administration's Government-Wide Reorganization*
15 *Plan: Hearing Before H. Comm. on Oversight & Gov't Reform*, 115th Cong. (June 27, 2018) (Serial
16 No. 115-88);³¹ *Reviewing the Administration's Government Reorganization Proposal: Hearing Before*
17 *the S. Comm. on Homeland Sec. & Gov't Aff.*, 115th Cong. (July 18, 2018) (S. Hrg. 115-547);³²
18 *Administration Reorganization and Modernization Proposals Related to the Department of Energy*
19

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21 ²⁴ Available at: <https://www.govinfo.gov/content/pkg/CHRG-115shrg27394/pdf/CHRG-115shrg27394.pdf>.

22 ²⁵ Available at: <https://www.congress.gov/115/chrg/CHRG-115shrg38105/CHRG-115shrg38105.pdf>.

23 ²⁶ Available at: <https://www.congress.gov/115/chrg/CHRG-115shrg28405/CHRG-115shrg28405.pdf>.

24 ²⁷ Available at: <https://www.congress.gov/115/chrg/CHRG-115hrg28932/CHRG-115hrg28932.pdf>.

25 ²⁸ Available at: <https://www.congress.gov/115/meeting/house/108115/documents/HHRG-115-FA00-Transcript-20180411.pdf>.

26 ²⁹ Available at: <https://www.congress.gov/115/chrg/CHRG-115hrg31422/CHRG-115hrg31422.pdf>.

27 ³⁰ Available at: <https://www.congress.gov/115/chrg/CHRG-115shrg40341/CHRG-115shrg40341.pdf>.

28 ³¹ Available at: <https://www.congress.gov/115/chrg/CHRG-115hrg31276/CHRG-115hrg31276.pdf>.

³² Available at: <https://www.congress.gov/115/chrg/CHRG-115shrg34573/CHRG-115shrg34573.pdf>.

1 *and the Department of the Interior: Hearing Before S. Comm. on Energy and Nat'l Resources*, 115th
 2 Cong. (July 19, 2018) (S. Hrg. 115-524);³³ *The Challenges and Opportunities of the Proposed*
 3 *Government Reorganization on OPM and GSA: Hearing Before the S. Comm. on Homeland Sec. &*
 4 *Gov't Aff.* (July 26, 2018) (S. Hrg. 115-451);³⁴ *Oversight Hearing on No Road Map, No Destination,*
 5 *No Justification: The Implementation and Impacts of the Reorganization of the Department of the*
 6 *Interior: Hearing Before the H. Comm. on Nat. Res.*, 116th Cong. (Apr. 30, 2019) (Serial No. 116-
 7 13);³⁵ *The Administration's War on a Merit Based Civil Service: Hearing Before the Subcomm. on*
 8 *Gov't Ops., H. Comm on Oversight & Reform*, 116th Cong. (May 21, 2019) (Serial No. 116-26);³⁶
 9 *Document Production Status Update: OPM, FBI, and GSA: Hearing Before the Subcomm. on Gov't*
 10 *Ops., H. Comm on Oversight & Reform*, 116th Cong. 42 (June 27, 2019);³⁷ *BLM Disorganization:*
 11 *Examining the Proposed Reorganization and Relocation of the Bureau of Land Management*
 12 *Headquarters to Grand Junction, Colorado: Hearing Before the H. Comm. on Nat. Res.*, 116th Cong.
 13 (Sep. 19, 2019) (Serial No. 116-21).³⁸

14 140. The Congressional Research Service aided Congress in its deliberations by preparing a
 15 report, which discussed the 2018 Plan's 32 proposals and 3 significant subproposals. Cong. Rsch.
 16 Serv., *Trump Administration Reform and Reorganization Plan: Discussion of 35 "Government-Wide"*
 17 *Proposals*, at 1 (July 25, 2018).³⁹

18 141. Congress largely did not support the proposed reforms. *See The Administration's War*
 19 *on a Merit Based Civil Service: Hearing Before the Subcomm. on Gov't Ops., H. Comm on Gov't*
 20

21 ³³ Available at: <https://www.congress.gov/115/chrg/CHRG-115shrg30984/CHRG-115shrg30984.pdf>.

22 ³⁴ Available at: <https://www.congress.gov/115/chrg/CHRG-115shrg32987/CHRG-115shrg32987.pdf>.

23 ³⁵ Available at: [https://www.congress.gov/116/chrg/CHRG-116hhrg36257/CHRG-](https://www.congress.gov/116/chrg/CHRG-116hhrg36257/CHRG-116hhrg36257.pdf)
 24 [116hhrg36257.pdf](https://www.congress.gov/116/chrg/CHRG-116hhrg36257/CHRG-116hhrg36257.pdf).

25 ³⁶ Available at: [https://docs.house.gov/meetings/GO/GO24/20190521/109516/HMTG-116-GO24-](https://docs.house.gov/meetings/GO/GO24/20190521/109516/HMTG-116-GO24-Transcript-20190521.pdf)
 26 [Transcript-20190521.pdf](https://docs.house.gov/meetings/GO/GO24/20190521/109516/HMTG-116-GO24-Transcript-20190521.pdf).

27 ³⁷ Available at: [https://www.congress.gov/116/chrg/CHRG-116hhrg37283/CHRG-](https://www.congress.gov/116/chrg/CHRG-116hhrg37283/CHRG-116hhrg37283.pdf)
 28 [116hhrg37283.pdf](https://www.congress.gov/116/chrg/CHRG-116hhrg37283/CHRG-116hhrg37283.pdf).

³⁸ Available at: [https://www.congress.gov/116/chrg/CHRG-116hhrg37679/CHRG-](https://www.congress.gov/116/chrg/CHRG-116hhrg37679/CHRG-116hhrg37679.pdf)
[116hhrg37679.pdf](https://www.congress.gov/116/chrg/CHRG-116hhrg37679/CHRG-116hhrg37679.pdf).

³⁹ Available at:
[https://www.everycrsreport.com/files/20180725_ZZZ82A53B606F807500_43464c0b3704bd6aa820](https://www.everycrsreport.com/files/20180725_ZZZ82A53B606F807500_43464c0b3704bd6aa8206aed6f1bc07c69cfdcf.pdf)
[6aed6f1bc07c69cfdcf.pdf](https://www.everycrsreport.com/files/20180725_ZZZ82A53B606F807500_43464c0b3704bd6aa8206aed6f1bc07c69cfdcf.pdf).

Oversight & Reform, 116th Cong. (May 21, 2019) (Serial No. 116-26); *see also* Fed. News Network, *Congress not yet convinced of Trump administration's proposed OPM-GSA merger* (May 22, 2019) ("Lawmakers on Tuesday afternoon expressed bipartisan concern and skepticism for the Trump administration's proposed merger of the Office of Personnel Management with the General Services Administration. And they weren't alone. The Government Accountability Office, OPM's inspector general and a former agency director said the administration hasn't demonstrated enough evidence to date to show the proposed OPM-GSA merger makes sense.");⁴⁰ Gov't Exec., *Omnibus Puts Kibosh on White House Efforts to Unilaterally Reorganize Agencies, Shed Workers*. (Mar. 22, 2018);⁴¹ Gov't Exec., *Congress Begins Formally Blocking Trump's Government Reorganization Plan*. (Sep. 12, 2018).⁴²

IV. President Trump's Second-Term Reorganization Without Congressional Authorization

142. Since Congress, as the representatives duly elected by the American people to the legislative branch of government, may not support his reform proposals, President Trump has chosen to proceed with his "Manhattan project of our time" without first obtaining Congressional authorization—or even providing Congress with clear information about the unprecedented reorganization he intends. And unlike during President Trump's first term, there has been absolutely no public process by which the Administration's current proposals have been vetted. Instead, the Administration is proceeding secretly, and by fiat.

143. The President has acknowledged that he needs and does not have Congressional authorization. The President responded "Yeah," when asked in a February 18, 2025 interview by TV host Sean Hannity whether his Executive Order would "have to be codified into law" and "need the

⁴⁰ Available at: <https://federalnewsnetwork.com/opm-reorganization/2019/05/congress-not-yet-convinced-of-trump-administrations-proposed-opm-gsa-merger/>.

⁴¹ Available at: <https://www.govexec.com/management/2018/03/omnibus-puts-kibosh-white-house-efforts-unilaterally-reorganize-agencies-shed-workers/146894/>.

⁴² Available at: <https://www.govexec.com/management/2018/09/congress-begins-formally-blocking-trumps-government-reorganization-plan/151218/>.

1 Republican Congress to follow up.” The White House: *Interview of President Trump and Elon Musk*
 2 *by Sean Hannity, “the Sean Hannity Show”* (Feb. 18, 2025).⁴³

3 **A. The Mandate to OMB, OPM, and DOGE to Reform and Downsize**

4 144. On January 20, 2025, the President created DOGE to engage in his project of radically
 5 transforming the size and scope of the federal government. Exec. Order No. 14158, 90 Fed. Reg.
 6 8441 (Jan. 20, 2025) (Establishing and Implementing the President’s “Department of Government
 7 Efficiency”). That Order reorganized and renamed the U.S. Digital Service as DOGE and moved that
 8 office from reporting to OMB within the Executive Office of the President to reporting directly to the
 9 President’s Chief of Staff. *Id.* The January 20 Order created two other structures: a “U.S. DOGE
 10 Service Temporary Organization ... headed by the [DOGE] Administrator and ... dedicated to
 11 advancing the President’s 18-month DOGE agenda” and “DOGE Teams” embedded at each agency
 12 and jointly appointed by DOGE and the agency head. *Id.* The Administration has never made public
 13 the “18-month DOGE agenda” for the federal government. *Id.*

14 145. On January 20, 2025, the President also issued a Presidential Memorandum imposing
 15 a government-wide hiring freeze on all federal agencies, with limited exceptions. The White House:
 16 *Presidential Actions: Hiring Freeze* (Jan. 20, 2025).⁴⁴ The President generally ordered: “this freeze
 17 applies to all executive departments and agencies regardless of their sources of operational and
 18 programmatic funding.” *Id.* The President then ordered DOGE, OMB, and OPM to create a plan to
 19 reduce the size of the federal government. *Id.* (“Within 90 days of the date of this memorandum, the
 20 Director of the Office of Management and Budget (OMB), in consultation with the Director of OPM
 21 and the Administrator of the United States DOGE Service (USDS), shall submit a plan to reduce the
 22 size of the Federal Government’s workforce through efficiency improvements and attrition.”).

23 146. As other federal courts have found, individuals affiliated with DOGE, hired into the
 24 federal government on a temporary basis, proceeded to embed within federal agencies and centralize
 25 decision-making, with the part of DOGE based in the Executive Office of the President headed by
 26

27 ⁴³ Available at: <https://www.whitehouse.gov/remarks/2025/02/interview-of-president-trump-and-elon-musk-by-sean-hannity-the-sean-hannity-show/>.

28 ⁴⁴ Available at: <https://www.whitehouse.gov/presidential-actions/2025/01/hiring-freeze/>.

1 Elon Musk. *See, e.g., Does v. Musk*, __ F. Supp. 3d __, No. 25-0462, 2025 WL 840574, at *1–4 (D.
 2 Md. Mar. 18, 2025); *New York v. Trump*, __ F. Supp. 3d __, No. 25-CV-01144, 2025 WL 573771, at
 3 *3–7 (S.D.N.Y. Feb. 21, 2025); *AFL-CIO v. Dep’t of Lab.*, __ F. Supp. 3d __, No. 25-339, 2025 WL
 4 1129227, at *1–4 (D.D.C. Apr. 16, 2025).

5 147. In a March 2025 interview, Elon Musk, on behalf of DOGE, explained the DOGE
 6 goals as follows:

7 We want to reduce the spending by eliminating waste and fraud, reduce the spending
 8 by 15%, which seems really quite achievable.

9 ...

10 We are cutting the waste and fraud in real time. Every day like that passes, our goal is
 to reduce the waste and fraud by \$4 billion a day every day, seven days a week. And
 so far, we are succeeding.⁴⁵

11 148. The President issued many other directives aimed at furthering the goals of
 12 transformation of the government and federal employment according to his vision, at each step
 13 enlisting the aid of OPM, OMB and/or DOGE to implement his directives, including:

- 14 • Exec. Order No. 14151, 90 Fed. Reg. 8339 (Jan. 20, 2025) (Ending Radical and
 15 Wasteful Government DEI Programs and Preferencing) (OMB and OPM);
- 16 • Exec. Order No. 14170, 90 Fed. Reg. 8621 (Jan. 20, 2025) (Reforming the
 17 Federal Hiring Process and Restoring Merit to Government Service) (OMB,
 18 OPM, DOGE, working with “the Assistant to the President for Domestic
 Policy”);
- 19 • Exec. Order No. 14171, 90 Fed. Reg. 8625 (Jan. 20, 2025) (Restoring
 20 Accountability to Policy-Influencing Positions Within the Federal Workforce)
 (OPM); and
- 21 • Exec. Order No. 14173, 90 Fed. Reg. 8633 (Jan. 21, 2025) (Ending Illegal
 22 Discrimination and Restoring Merit-Based Opportunity) (OMB).

23 In the President’s own words: “It is the policy of my Administration ... to commence the
 24 deconstruction of the overbearing and burdensome administrative state.” Exec. Order No. 14219, 90
 25 Fed. Reg. 10583 (Feb. 19, 2025) (Ensuring Lawful Governance and Implementing the President’s

26
 27 ⁴⁵ Fox News, *Elon Musk and DOGE team give exclusive look at how they're cutting waste, handle*
 28 *critics* (Mar. 27, 2025), available at: <https://www.foxnews.com/video/6370654825112>. Transcript
 available at: <https://www.rev.com/transcripts/musk-and-doge-on-brett-baier>.

1 “Department of Government Efficiency” Deregulatory Initiative) (enlisting DOGE and OMB); *see*
2 *also* Exec. Order No. 14222, 90 Fed. Reg. 11095 (Feb. 26, 2025) (Implementing the President’s
3 Department of Government Efficiency Cost Efficiency Initiative: enlisting DOGE in “a
4 transformation in Federal spending”).

5 149. The President also eliminated certain agencies with the following proclamation:

6 It is the policy of my Administration to dramatically reduce the size of the Federal
7 Government, while increasing its accountability to the American people. This order
8 commences a reduction in the elements of the Federal bureaucracy that the President
9 has determined are unnecessary. Reducing the size of the Federal Government will
minimize Government waste and abuse, reduce inflation, and promote American
freedom and innovation.

10 Exec. Order No. 14217, 90 Fed. Reg. 10577 (Feb. 19, 2025) (Commencing the Reduction of the
11 Federal Bureaucracy) (enlisting OMB and OPM to eliminate the Presidio Trust; the Inter-American
12 Foundation; the United States African Development Foundation; and the United States Institute of
13 Peace).

14 150. The President further enlisted OMB to “reduce the performance” of the following
15 agencies to “the minimum presence and function required by law”: the Federal Mediation and
16 Conciliation Service; the United States Agency for Global Media; the Woodrow Wilson International
17 Center for Scholars in the Smithsonian Institution; the Institute of Museum and Library Services; the
18 United States Interagency Council on Homelessness; the Community Development Financial
19 Institutions Fund; and the Minority Business Development Agency. Exec. Order No. 14238, 90 Fed.
20 Reg. 13043 (Mar. 14, 2025) (Continuing the Reduction of the Federal Bureaucracy). The President
21 explained: “This order continues the reduction in the elements of the Federal bureaucracy that the
22 President has determined are unnecessary.” *Id.*

23 151. The President also ordered the “closure” of the entire United States Department of
24 Education and transfer of certain functions to other agencies. Exec. Order No. 14242, 90 Fed. Reg.
25 13679 (Mar. 20, 2025) (Improving Education Outcomes by Empowering Parents, States, and
26 Communities). The President likewise closed the United States Agency for International
27
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Development, firing nearly all of its staff, and subsumed what remained into the State Department,⁴⁶ as well as shuttered the Consumer Financial Protection Bureau, attempting to fire nearly all of its staff as well.⁴⁷ Most recently, the President decimated AmeriCorps, ending core programs and placing nearly all staff on leave before later laying them off and cutting the bulk of grants to AmeriCorps grantees.⁴⁸

152. DOGE and/or OPM have taken a series of other actions since January 20, 2025 aimed at deconstructing and drastically reducing the size of the federal government, including: the “Fork in the Road” Deferred Resignation Program, announced via e-mail to millions of federal employees; the unlawful termination of probationary employees nationwide; the mandated email reporting (“5 bullets”) to all federal employees and corresponding threats for failure to respond; and the placement of employees throughout the federal government on administrative leave for a variety of reasons.

B. President’s February 11, 2025 Executive Order to All Federal Agencies to Downsize and Reorganize Themselves Via Agency RIF and Reorganization Plans

153. The President’s February 11, 2025 Workforce Executive Order is in the same vein as these other actions, furthering the President’s express goal of “transforming” and “deconstruct[ing]” the agencies of the federal government. Ex. A.

154. The Executive Order applies to the executive departments and agencies, including but not limited to the Federal Agency Defendants. *Id.* (citing 44 U.S.C. § 3502). There are currently

⁴⁶ Carnegie Endowment for International Peace, *Trump’s Move to Gut USAID Reveals the Crux of His Foreign Policy* (Feb. 4, 2025), available at: <https://carnegieendowment.org/emissary/2025/02/usaaid-trump-foreign-aid-policy-why>.

⁴⁷ NBC News, *Trump administration and Musk’s DOGE plan to fire nearly all CFPB staff and wind down agency, employees say* (Feb. 28, 2025), available at: <https://www.nbcnews.com/business/business-news/trump-administration-musks-doge-plan-fire-cfpb-staff-close-agency-rcna194217>.

⁴⁸ NY Times, *DOGE Guts Agency That Organizes Community Service Programs* (Apr. 17, 2025), available at: <https://www.nytimes.com/2025/04/17/us/politics/doge-cost-ameri-corps-community-service.html>; see also MSN, *AmeriCorps Faces Major Blow As Elon Musk-Led DOGE Slashes \$400 Million In Federal Grants* (Apr. 26, 2025), available at: <https://www.msn.com/en-in/news/world/ameri-corps-faces-major-blow-as-elon-musk-led-doge-slashes-400-million-in-federal-grants/ar-AA1DEjSo>.

15 fifteen executive cabinet-level departments, 5 U.S.C. § 101, and hundreds of federal agencies and commissions.⁴⁹

155. The President ordered, in pertinent part:

a. Reduction of the number of federal employees via hiring freezes, hiring/departure ratios, and OMB and DOGE control of agency hiring. Ex. A, Sec. 3. Specifically, the President required OMB to submit to him a “plan to reduce the size of the Federal Government’s workforce” that will “require that each agency hire no more than one employee for every four employees that depart, consistent with the plan and any applicable exemptions and details provided for in the Plan.” *Id.* The President allowed limited exceptions for “functions related to public safety, immigration enforcement, or law enforcement.” The President required all agency heads to submit *all career federal hiring* to DOGE for approval. *Id.*

b. All federal agencies “shall promptly undertake preparations to initiate large-scale reductions in force (RIFs).” *Id.* In making these cuts, the President ordered that “[a]ll offices that perform functions not mandated by statute or other law *shall be prioritized* in the RIFs, including”:

- “all agency diversity, equity, and inclusion initiatives”;
- “all agency initiatives, components, or operations that my Administration suspends or closes”; and
- “all components and employees performing functions not mandated by statute or other law who are not typically designated as essential during a lapse in appropriations as provided in the Agency Contingency Plans on the Office of Management and Budget website” (“Funding Lapse Plan Staffing Levels”).

Id. (emphasis added). The President allowed limited exceptions: “This subsection shall not apply to functions related to public safety, immigration enforcement, or law enforcement.” *Id.*

c. All federal agencies shall submit to OMB a “reorganization plan” that “shall discuss whether the agency or any of its subcomponents should be eliminated or consolidated.” *Id.*

⁴⁹ Available at: <https://www.usa.gov/agency-index>.
AMENDED COMPLAINT, No. 3:25-cv-03698-SI

1 156. The President’s Executive Order removed agency discretion and authority, by ordering
2 agencies to act. The President’s Executive Order necessarily orders agencies to disregard applicable
3 statutory authorizations and appropriations, by implementing the following mandates:

- 4 a. Agencies are *required* to implement “large-scale” RIFs (irrespective of whether
5 staffing reductions are necessary or even appropriate in light of agency functions and
6 appropriations);
- 7 b. Agencies are *required* to prioritize in RIFs “all agency initiatives, components, or
8 operations that [the] Administration suspends or closes” (irrespective of statutory
9 requirements or authority delegated to the agencies);
- 10 c. Agencies are *required* to prioritize in RIFs “all components and employees” not
11 deemed “essential”—and therefore that do not continue working—during a
12 government shutdown when annual appropriations have temporarily lapsed (aka
13 Funding Lapse Plan Staffing Levels, which have nothing to do with the staffing
14 needed to properly run fully appropriated agencies);
- 15 d. Agencies are *required* to consider their own destruction, by addressing whether the
16 agency or any subparts should be eliminated by the President (again, regardless of
17 statutory requirements or authority delegated to the agencies);
- 18 e. And finally, agencies are *required* to reorganize themselves by picking up and
19 arranging the pieces that are left, following these large-scale reductions.

20 157. The President further granted OPM, rather than the agencies, the power to “grant
21 exemptions from this order where those exemptions are otherwise necessary and shall assist in
22 promoting workforce reduction.” *Id.*, Sec. 4.

23 158. The President gave agencies a mere 30 days, after commencing their planning for the
24 massive RIFs, to submit reorganization reports describing how they would pick up and organize the
25 pieces of what will be left. *Id.*, Sec. 3.

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1 159. Notwithstanding all of these requirements that order agencies to apply parameters that
2 cannot be reconciled with agency statutory authority, the President then stated the Order should be
3 implemented consistent with applicable law. *Id.* Sec. 5.

4 **C. OMB, OPM, and DOGE Implementation of the President’s Orders: February 26**
5 **Directive, March 13 Deadline, and April 14 Deadline**

6 160. On February 26, 2025, OMB and OPM issued a Memorandum to Heads of Executive
7 Departments and Agencies, including but not limited to the Federal Agency Defendants, regarding
8 “Guidance on Agency RIF and Reorganization Plans Requested by Implementing The President’s
9 ‘Department of Government Efficiency’ Workforce Optimization Initiative.” Ex. B.

10 161. OMB and OPM echoed the President’s purposes in transforming the federal
11 bureaucracy, explaining:

12 The federal government is costly, inefficient, and deeply in debt. At the same time, it
13 is not producing results for the American public. Instead, tax dollars are being
14 siphoned off to fund unproductive and unnecessary programs that benefit radical
15 interest groups while hurting hard-working American citizens.

16 The American people registered their verdict on the bloated, corrupt federal
17 bureaucracy on November 5, 2024 by voting for President Trump and his promises to
18 sweepingly reform the federal government.

19 *Id.*

20 162. In this Memorandum, OMB and OPM directed federal agencies to comply with the
21 President’s Executive Order by submitting the “Agency RIF and Reorganization Plans” (“ARRPs”)
22 required by the Workforce Executive Order to OMB and OPM for “review and approval.” *Id.*

23 163. The OMB and OPM February 26 Memorandum, by imposing onerous requirements
24 under exceptionally unreasonable time frames, guarantees that agencies will not be able to comply
25 with their statutory and regulatory mandates, will not exercise any existing discretion in a manner
26 that is faithful to those mandates or results from considered, proper decision-making, and will instead
27 do the President’s unlawful bidding. The OMB and OPM February 26 Memorandum, by endowing
28 OMB and OPM with ultimate decision-making power as to the ARRPs, transfers decision-making to
those without personal knowledge of or experience with the particular requirements and obligations

1 of these agencies, their component parts, or of the work performed by their employees—and the
2 impacts of eliminating that work.

3 164. OMB and OPM set forth requirements for the ARRP's that included instructing that
4 ARRP's "should" include "[a] significant reduction in the number of full-time equivalent (FTE)
5 positions by eliminating positions that are not required." OMB and OPM explained further:
6 "Pursuant to the President's direction, agencies should focus on the maximum elimination of
7 functions that are not statutorily mandated while driving the highest-quality, most efficient delivery of
8 their statutorily required functions." *Id.* OMB and OPM further directed that agencies "should
9 also[,]" among other things:

- 10 • "seek to consolidate areas of the agency organization chart that are duplicative";
- 11 • "consolidate management layers where unnecessary layers exist"; and
- 12 • "seek reductions in components and positions that are non-critical[.]"

13 OMB and OPM further instructed: "When taking these actions, agencies should align closures and/or
14 relocation of bureaus and offices with agency return-to-office actions to avoid multiple relocation
15 benefit costs for individual employees." *Id.*

16 165. OMB and OPM also directed agencies to work with DOGE in planning required RIFs
17 for non-essential positions, and to use 2019 Funding Lapse Plan Staffing Levels as the "starting
18 point" for identifying those positions that are "essential." Ex. B.

19 166. Among the "tools" OMB and OPM directed agencies could use: "Eliminating non-
20 statutorily mandated functions through RIFs (Appendix 1 contains a sample timeline)." Then, OMB
21 and OPM directed that agencies must include the following in the plans submitted for approval:

22 ARRP's should also list the competitive areas for large-scale reductions in force, the
23 RIF effective dates (which may be a date prior to when the plan is submitted), the
24 expected conclusion of the RIFs, the number of FTEs reduced, and additional impact
of RIFs such as cancellation of related contracts, leases or overhead.

25 *Id.*

26 167. OMB and OPM required the ARRP's to be submitted for approval in two phases, the
27 first of which was due merely *two weeks* later on March 13, 2025, and the second on April 14, 2025,
28 and then gave specific requirements for each phase. *Id.*

1 168. The March 13 “Phase 1 ARRs shall focus on initial agency cuts and reductions.” *Id.*
2 Agencies were required to identify, among other things, Funding Lapse Plan Staffing Levels:

3 All agency components and employees performing functions not mandated by statute
4 or regulation who are not typically designated as essential during a lapse in
5 appropriations (because the functions performed by such employees do not fall under
6 an exception to the ADA) using the Agency Contingency Plans submitted to OMB *in*
7 2019 referenced above.

8 *Id.* (emphasis added). Agencies were also required to identify “[w]hether the agency or any of its
9 subcomponents should be eliminated or consolidated.” *Id.*

10 169. The April 14 Phase 2 plans were required to contain further information regarding the
11 reorganization in light of the required RIFs, including a new organization chart and, among other
12 things:

- 13 • The agency’s plan to ensure that employees are grouped, to the greatest extent possible, based
14 on like duties and job functions to promote effective collaboration and management, and that
15 the agency’s real estate footprint is aligned with cross-agency efforts coordinated by GSA to
16 establish regional federal office hubs.
- 17 • Any proposed relocations of agency bureaus and offices from Washington, D.C. and the
18 National Capital Region to less-costly parts of the country.
- 19 • The competitive areas for subsequent large-scale RIFs.
- 20 • All reductions, including FTE positions, term and temporary positions, reemployed
21 annuitants, real estate footprint, and contracts that will occur in relation to the RIFs.
- 22 • Any components absorbing functions, including how this will be achieved in terms of FTE
23 positions, funding, and space.

24 *Id.*

25 170. In the sample timeline provided in Appendix 1, OMB and OPM explained that
26 “[a]gencies can accelerate [the] timelines” for conducting RIFs by “seek[ing] OPM waiver approval
27 for a 30-day notification period,” instead of the 60-day period generally required by the RIF statute
28 and regulations. The RIF statute and regulations provide that OPM may approve such a waiver, at the
request of an agency, “[w]hen a reduction in force is caused by circumstances not reasonably
foreseeable.” 5 C.F.R. § 351.801; *see* 5 U.S.C. § 3502. OMB and OPM stated that agencies can also

1 speed up the RIF process “through parallel processing . . . expediting process steps, and streamlining
2 stakeholder coordination.”

3 171. Finally, OMB and OPM instructed once again that “law enforcement, border security,
4 national security, immigration enforcement, or public safety responsibilities” as well as political
5 appointees were exempt from these “transformation” efforts and that agencies providing services to
6 the public were not permitted to implement any RIFs without OMB or OPM sign-off. *Id.*

7 172. On information and belief, it is not possible for any federal agency, let alone all federal
8 agencies, to create an ARRP that both accommodates the specific parameters required by the
9 President, OMB, and OPM *and* complies with all of the federal agency’s statutory and regulatory
10 requirements in a mere two weeks, by the March 13 deadline, or even realistically by the April 14
11 deadline. The OMB/OPM Memorandum did not provide agencies enough time to properly assess an
12 agency’s statutory requirements, let alone assess how to comply with them *and* the President’s
13 directives.

14 173. The requirements for the ARRPs imposed by OMB and OPM on all federal agencies
15 effectively removed independent decision-making authority from the agencies and required agencies
16 to disregard the statutory authority governing the agency’s organization, functions, personnel
17 requirements, and appropriations. The language directing agencies to comply with applicable law in
18 creating these plans was disingenuous.

19 174. The February 26, 2025 OMB and OPM memorandum contained new or modified rules
20 without engaging in notice and comment rule-making, and effectively required agencies (including
21 but not limited to Federal Agency Defendants) to comply with these new and modified rules
22 regardless of any prior existing regulations.

23 175. On information and belief, DOGE, via individuals in the Executive Office of the
24 President and DOGE teams embedded at agencies (including but not limited to Federal Agency
25 Defendants), has enforced the requirements of the President’s Executive Order and OMB/OPM
26 Memorandum, including by ordering federal agencies to make mandated cuts eliminating positions,
27 programs, offices, and functions. On information and belief, DOGE has required federal agencies to
28

1 comply with required targets imposed by DOGE for spending reductions by eliminating positions,
2 programs, offices, and functions to meet the DOGE stated goal of imposing spending cuts
3 government-wide.

4 176. In sum, OMB, OPM, and DOGE have usurped agency authority, exceeded their own
5 authority, acted in an arbitrary and capricious manner, and ignored procedural requirements by
6 requiring federal agencies throughout the government, including but not limited to Federal Agency
7 Defendants, to:

- 8 a. Submit ARRs for OMB and OPM approval;
- 9 b. Include in those ARRs large-scale RIFs (irrespective of whether staffing reductions
10 are necessary or even appropriate in light of agency functions and appropriations);
- 11 c. Prioritize in those large-scale RIFs any functions that “[the President’s]
12 Administration suspends or closes” (irrespective of statutory requirements or authority
13 delegated to the agencies);
- 14 d. Prioritize in those large-scale RIFs 2019 government emergency shutdown levels of
15 staffing (which have nothing to do with the staffing needed to properly run fully appropriated
16 agencies);
- 17 e. Include in their ARRs consideration of their own destruction, by addressing whether
18 the agency or any subparts should be eliminated by the President (again, regardless of
19 statutory requirements or authority delegated to the agencies);
- 20 f. Include in their ARRs a plan to reorganize themselves by picking up and arranging
21 the pieces that are left, following these large-scale reductions;
- 22 g. Submit these plans for approval on timeframes that do not permit agencies to actually
23 consider and assess their own needs or their statutory authority; and
- 24 h. Impose cuts to functions and staffing according to “targets” and “goals” imposed by
25 DOGE.

D. OMB, OPM, and DOGE Lack of Statutory Authority to Order Agencies to Reorganize or Engage in a RIF

177. OMB must source its authority either directly from an act of Congress, or a delegation by Congress to the President that the President has in turn delegated to OMB. OMB lacks the authority to order federal agencies to downsize or reorganize themselves, or to assume final decision-making power by requiring agencies to submit such plans for OMB approval. 31 U.S.C. §§ 501-507. Insofar as neither Article II nor any act of Congress gives the President authority to reorganize federal agencies or order them to engage in massive layoffs of federal employees, OMB cannot cloak itself in Presidential authority, either.

178. OPM has no statutory authority to approve agency plans to reorganize or conduct RIFs in service of such a reorganization. 5 U.S.C. §§ 1101-1105. OPM's statutory authority with respect to RIFs consists of setting government-wide order of retention rules for the release of employees in a RIF. 5 U.S.C. § 3502. OPM cannot order federal agencies to downsize or reorganize themselves, or assume final decision-making power by requiring agencies to submit such plans for approval. *See, e.g., Am. Fed'n of Gov't Emps., AFL-CIO v. Off. of Pers. Mgmt.*, No. 3:25-cv-01780-WHA (N.D. Cal.), ECF No. 45 (Feb. 28, 2025 Order), ECF No. 132 (Mar. 14, 2025 Order), ECF No. 202 (Apr. 18, 2025 Order). To the extent that Congress has generally authorized OPM to implement the President's rules for the federal workforce (5 U.S.C. § 1103), that authorization is coextensive with the President's authority and cannot exceed it. Insofar as neither Article II nor any act of Congress gives the President authority to reorganize federal agencies or order them to engage in massive layoffs of federal employees, OPM cannot cloak itself in Presidential authority, either.

179. DOGE has no statutory authority at all. Insofar as neither Article II nor any act of Congress gives the President authority to reorganize federal agencies or order them to engage in massive layoffs of federal employees, DOGE cannot cloak itself in Presidential authority, either.

E. The Administration's Lack of Transparency Regarding Reorganization Plans

180. The Trump Administration has never made public the "18-month DOGE agenda" referenced in Executive Order 14158.

1 181. The Trump Administration has never made public any plan being created by DOGE in
2 conjunction with OPM and OMB pursuant to the President’s January 20, 2025 Memorandum
3 requiring a “plan to reduce the size of the Federal Government’s workforce.”

4 182. When asked by Fox News in March 2025 whether DOGE’s actions would result in a
5 report (“And the process is a report at some point? At 100 days?”), Elon Musk responded on behalf
6 of DOGE: “Not really a report. We are cutting the waste and fraud in real time. Every day like that
7 passes, our goal is to reduce the waste and fraud by \$4 billion a day every day, seven days a week.
8 And so far, we are succeeding.”⁵⁰

9 183. The Trump Administration has refused to make public the phase-one agency ARPPs
10 that were to be submitted by March 13 to OMB and OPM for approval, including in response to
11 requests from members of the public via the Freedom of Information Act (“FOIA”), federal employee
12 unions, the press, and Congress.

13 184. In lawsuits filed against the Trump Administration seeking disclosure under FOIA of
14 the March 13 plans submitted to OMB and OPM, OMB and OPM refused to disclose those plans on
15 the ground that they were “pre-decisional” and described them as pending OMB review and approval.
16 *See, e.g., Democracy Forward Foundation v. Off. of Mgmt. & Budget*, No. 1:25-cv-00858 (D.D.C.),
17 ECF No. 9 (Defendants’ Apr. 2, 2025 Motion to Dismiss: “[A]gency reduction-in-force plans are
18 still under development by the Executive Branch[,] and OMB is currently actively reviewing these
19 plans as part of Phase 1’ ... OMB explained, the plans Plaintiff requested ‘are part of a longer two-
20 phase process that has just been initiated.’”).

21 185. Executive Order 14210 did not, in ordering agencies to prepare and submit
22 reorganization plans to OMB and OPM, create any process for notice and public comment, unlike the
23 reorganization Executive Order issued in President Trump’s first term.

24 186. On March 13, 2025, the Washington Post reported: “Agencies across the federal
25 government faced a Thursday deadline to submit plans for a large-scale firing of employees, but scant
26 details were made public about what the White House said would be a ‘mass reduction’ of the federal
27

28 ⁵⁰ *Supra*, n.9.

workforce. The White House did not preview the plans, saying only that it would share their contents ‘once the plans are enacted.’” Wash. Post, *White House expects ‘mass reduction’ of federal workforce as deadline looms* (Mar. 13, 2025).⁵¹ White House press secretary Karoline Leavitt said: “The coming mass reduction will ‘streamline our broken bureaucracy, save taxpayers millions of dollars and make the government more efficient for all.’” *Id.*

187. On March 27, 2025, the Washington Post published a report regarding “an internal White House document obtained by The Washington Post” that “contains closely held draft plans for reshaping the 2.3-million-person bureaucracy.” Wash. Post, *Internal White House document details layoff plans across U.S. agencies* (Mar. 27, 2025).⁵² The Post explained: “The details are compiled from plans that President Donald Trump ordered agencies to submit, according to two people familiar with the document who spoke on the condition of anonymity because they were not authorized to talk about it.” *Id.* The document shows that “[f]ederal officials are preparing for agencies to cut between 8 and 50 percent of their employees as part of a Trump administration push to shrink the federal government.” When confronted with questions regarding this document, the Post reports that White House Principal Deputy Press Secretary Harrison Fields responded by e-mail:

“It’s no secret the Trump Administration is dedicated to downsizing the federal bureaucracy and cutting waste, fraud, and abuse. This document is a pre-deliberative draft and does not accurately reflect final reduction in force plans... When President Trump’s Cabinet Secretaries are ready to announce reduction in force plans, they will make those announcements to their respective workforces at the appropriate time.”

Id.

188. When individuals at agencies have gone public with information regarding the wide-scale (and unlawful) scope of these plans, the Trump Administration has claimed they are “fraudulent.” For example: On April 9, 2025, the Las Vegas ABC-news affiliate KTNV published a report titled, “As concerns among veterans rise, VA source shares details of workforce reduction

⁵¹Available at: <https://www.washingtonpost.com/politics/2025/03/13/government-agency-reorganization-rif-federal-workers/>.

⁵²Available at: <https://www.washingtonpost.com/politics/2025/03/27/federal-worker-layoffs-government-agencies/>.

1 plan.”⁵³ The source described in detail the plans for cutting 80,000 jobs. The VA responded by
 2 calling the document “fraudulent” and an “intentionally false leaked document.” *Id.*

3 189. The Trump Administration has largely refused to make the April 14 ARRPs publicly
 4 available either, until it starts issuing RIF notices (and not even then).

5 190. Members of Congress have submitted multiple requests for information to the Trump
 6 Administration regarding these reorganization plans.

7 191. For example, on April 7, the Ranking Member of the Senate Budget Committee sent a
 8 demand letter requesting the OMB provide the Senate with documents including the March 13 plans
 9 as well as any further plans, and expressing concern that “[t]hese sweeping workforce reductions will
 10 not only strain agency operations and delay critical services for seniors and veterans, but they will
 11 also harm the government’s efforts to protect public health, conserve natural resources, and manage
 12 federal lands.”⁵⁴

13 192. On April 10, another group of Senators wrote to OPM and OMB, requesting
 14 documents pertaining to the RIF and Reorganization plans; expressing concern regarding the
 15 illegality, harm, and lack of transparency; and noting that the parameter to use government-shutdown
 16 levels as a baseline could threaten the jobs of *700,000 federal employees*. Letter from Senators to
 17 Off. of Mgmt. and Budget and Off. of Pers. Mgmt. (Apr. 10, 2025), attached hereto as Exhibit C. The
 18 Senators continued:

19 Further, the size and scope of the reported RIF plans are clearly not about government
 20 efficiency. The Department of Education has announced layoffs of 50% and the
 21 Department of Veterans Affairs has proposed cuts of over 80,000 employees. The
 22 Department of Defense is seeking to reduce its civilian workforce by 5-8%, or 61,000
 23 employees, and the IRS reportedly plans to cut around 25% of its workforce, or 20,000
 24 employees. On April 1, 2025, the Department of Health and Human Services began
 25 the process of firing 10,000 employees, in addition to 10,000 employees who left their
 positions through the deferred resignation program and other downsizing efforts. Two
 days later, Secretary Kennedy suggested that 20% of these terminations could be
 mistakes. The Secretary stated, “[p]ersonnel that should not have been cut were cut...

26 ⁵³ Available at: <https://www.ktnv.com/news/as-concerns-among-veterans-rise-va-gives-timeline-of-how-their-workforce-reduction-plan-will-affect-them>.

27 ⁵⁴ Letter from Jeffrey Merkley, Ranking Member of S. Comm. on the Budget, to Russell Vought,
 28 OMB Director (Apr. 7, 2025), available at:
https://www.budget.senate.gov/imo/media/doc/letter_to_omb_re_rif_plans.pdf.

1 that was always the plan. Part of the DOGE, we talked about this from the beginning,
 2 is we're going to do 80% cuts, but 20% of those are going to have to be reinstated,
 3 because we'll make mistakes." The Social Security Administration (SSA) has already
 4 lost over 7,000 employees through terminations and resignations since February and
 closed 6 of 10 regional offices, leading to increased wait times and multiple website
 crashes over the past month—yet SSA plans to cut thousands more.

5 *Id.*

6 193. As a result of the Trump Administration's secrecy, federal employees throughout the
 7 federal agencies, their labor representatives, state and local governments, organizations including
 8 Plaintiffs, non-profits, and the public have been kept in the dark, intentionally, regarding this
 9 Administration's plans. As late as March 28, 2025, *after* the March 13 ARRs with the required
 10 "large-scale RIFs" had been submitted for approval, Elon Musk and his selected DOGE
 11 representatives, sitting down for a lengthy interview with Fox News, minimized the terminations of
 12 federal employees:

13 [DOGE lead at OPM] Anthony Armstrong:

14 And President Trump's been very clear: it's scalpel not hatchet. And that's the way
 15 it's getting done.

16 And then once those decisions are made, there's a very heavy focus on being
 17 generous, being caring, being compassionate, and treating everyone with dignity and
 18 respect. And if you look at how people have started to leave the government, it is
 19 largely through voluntary means. There's voluntary early retirement, there's
 20 voluntary separation payments. We put in place deferred resignation, the eight-month
 severance program.

21 So there's a very heavy bias towards programs that are long-dated, that are generous,
 22 that allow people to exit and go and get a new job in the private sector. And you've
 23 heard a lot of news about RIFs, about people getting fired. At this moment in time,
 24 less than .15, not 1.5, less than .15 of the federal workforce has actually been given a
 RIF notice.

25 Elon Musk:

26 *Basically almost no one's gotten fired, is what we're saying.*⁵⁵

27
 28 ⁵⁵ *Supra*, n.9.

F. Current and Impending Implementation of the President’s Mandated ARRs

194. Despite the Trump Administration’s failure to provide the public, federal employees and their labor representatives, the press, and Congress with detailed advance information regarding these plans, information about the ARRs that Plaintiffs have been able to obtain confirmation that some agencies have already begun to implement the large-scale RIFs and reorganization plans ordered by the President, and many other agencies are poised to do so imminently. Plaintiffs set forth their current information regarding actual and imminent implementation of President Trump’s plans to transform the federal government.

1. Ongoing RIFs and Reorganization

195. At least the following Federal Agency Defendants have begun to implement their ARRs by commencing plans to reorganize, including notifying employees of large-scale RIFs:

- **Health and Human Services**

196. On March 27, 2025, HHS announced: “Today, the U.S. Department of Health and Human Services (HHS) announced a dramatic restructuring in accordance with President Trump’s Executive Order, ‘Implementing the President’s ‘Department of Government Efficiency’ Initiative.’” Press Release, U.S. Dep’t of Health and Human Servs., *HHS Announces Transformation to Make America Healthy Again* (Mar. 27, 2025).⁵⁶ The restructuring involves “a reduction in workforce of about 10,000 full-time employees who are part of this most recent transformation.” *Id.*

197. HHS explained the restructuring and consolidation of functions that it was engaging in as being pursuant to the President, DOGE, and OMB’s orders. *Id.* Secretary Kennedy explained, “We aren’t just reducing bureaucratic sprawl. We are realigning the organization....” *Id.*; *see also Fact Sheet: HHS’ Transformation to Make America Healthy Again*, U.S. Dep’t of Health and Human Servs. (Mar. 27, 2025) (“The restructuring of HHS is proceeding in accordance with President Trump’s Executive Order”).⁵⁷

⁵⁶ <https://www.hhs.gov/press-room/hhs-restructuring-doge.html>

⁵⁷ <https://www.hhs.gov/press-room/hhs-restructuring-doge-fact-sheet.html>

1 198. HHS also revealed that the immediate 10,000-person reduction was just the beginning
2 of a planned reduction: “The current 82,000 full-time employees will be reduced to 62,000.” *Id.*

3 The cuts will affect the following subagencies:

- 4 • FDA will decrease its workforce by approximately 3,500 full-time employees;
- 5 • The CDC will decrease its workforce by approximately 2,400 employees;
- 6 • The NIH will decrease its workforce by approximately 1,200 employees;
- 7 • CMS will decrease its workforce by approximately 300 employees;
- 8 • 28 divisions will be consolidated to 15;
- 9 • 10 regional offices will become 5; and
- 10 • Human Resources, Information Technology, Procurement, External Affairs, and Policy
11 will be centralized.

Id.

12 199. The CDC has eliminated the sexually transmitted disease (“STD”) lab branch, put on
13 leave CDC staff responding to a current measles outbreak in Texas, and has (because of RIFs)
14 effectively shut its offices on injury control, birth defects, and smoking and health. The
15 Administration for Children and Families terminated employees administering programs that paid for
16 the heating and cooling bills for low-income households, and eliminated a division that oversaw a
17 case management system tracking child abuse and neglect. And the National Institute for
18 Occupational Safety and Health (NIOSH) shut down a federal screening program for black lung
19 disease, halting routine mine safety inspections, eliminating a program that investigates and
20 recommends ways to reduce exposure to health hazards in workplaces, and stopping its evaluation
21 and approval of respirators (and potentially other forms of personal protective equipment) that are
22 new to the market. Reporting indicates that HHS’ RIFs have affected programs that were mandated
23 by Congress, and that “[s]ome congressionally mandated programs saw their entire staff
24 dismissed.”⁵⁸

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26
27 ⁵⁸ Politico, *RFK Jr., DOGE gutted legally required offices. Courts may undo it all* (May 11, 2025),
28 available at: <https://www.politico.com/news/2025/05/11/trump-transforms-congressionally-mandated-health-offices-into-ghost-towns-00340176>.

200. Secretary Kennedy told the New York Times, “We’re going to do more with less,” even as he acknowledged that it would be “a painful period for H.H.S.”⁵⁹ Senator Patty Murray “called Mr. Kennedy’s comments about doing more with less an ‘absurd suggestion’ that ‘defies common sense.’ Her sentiments were echoed by several agency employees, who spoke on the condition of anonymity to avoid retribution.” *Id.*

201. HHS has never made public the ARRs submitted to OMB and OPM for approval in conjunction with the March 13 and April 14 deadlines.

- **Department of Labor**

202. On April 15, 2025, the Department of Labor placed the “vast majority” of the staff of the Office of Federal Contract Compliance Programs (OFCCP) on administrative leave.⁶⁰ That office is responsible for ensuring contractors across government agencies comply with a variety of federal laws. The email to employees stated they were being put on administrative leave “due to the agency’s ‘significantly reduced scope of mission.’” *Id.* On May 6, DOL issued RIF notices to OFCCP’s employees, explaining the Department was conducting a RIF pursuant to the Workforce Executive Order. A “DOL memo indicated the department plans to ultimately cut 90% of the OFCCP’s workforce.” *Id.*

203. For the RIFs at OFCCP, DOL requested from OPM a waiver of the 90-day notice period for RIFs involving newly-established competitive areas and approval for a 30-day notice period. OPM granted the request. The only justification given by OPM for its decision was: “*In accordance with the E.O. stated above, DOL must act quickly to conduct a RIF of employees in the divisions, offices, and units, mentioned in your request.*”

⁵⁹ NY Times, *10,000 Federal Health Workers to Be Laid Off* (Mar. 27, 2025), available at: <https://www.nytimes.com/2025/03/27/us/politics/health-department-job-layoffs-rfk-jr.html>.

⁶⁰ Bloomberg Law, *DOL Puts Contractor Watchdog Employees on Leave as Layoffs Loom* (Apr. 16, 2025), available at: <https://news.bloomberglaw.com/daily-labor-report/dol-puts-contractor-watchdog-employees-on-leave-as-layoffs-loom>.

204. Previously, on April 14, 2025, the Secretary of Labor had also warned publicly that more layoffs across the Department “should be expected” in the coming weeks.⁶¹ One protesting employee explained: “This is no ordinary federal agency. This is literally the firewall between workers and exploitation. The people in this building are training people for jobs. They’re ensuring that they come home safe.” *Id.*

205. DOL has never made public the ARRP submitted for OMB and OPM approval in conjunction with the March 13 and April 14 deadlines.

- **AmeriCorps**

206. On April 9, 2025, AmeriCorps announced to employees that the agency would be taking steps to “comply” with the Executive Order and ARRP, including by implementing a RIF of 50% or more of AmeriCorps staff.

207. On April 16, 2025, AmeriCorps began sending boilerplate notices of administrative leave to AmeriCorps agency staff, both at headquarters in Washington, D.C. and in regional offices across the country, placing the vast majority of them on leave and locking them out of their computer systems shortly thereafter.

208. AmeriCorps is a federal agency that staffs community service work around the country, including disaster relief. As the New York Times reported:

The independent federal agency that organizes community service work in the United States has placed on administrative leave almost all of its federal staff at the direction of Elon Musk’s cost-cutting team, according to people familiar with developments at the agency.

NY Times, *DOGE Guts Agency That Organizes Community Service Programs* (April 17, 2025).

209. On Thursday, April 24, 2025, the AmeriCorps employees began to receive RIF notices from the agency.

210. AmeriCorps has not made public the ARRP submitted for OMB and OPM approval in conjunction with the March 13 and April 14 deadlines.

⁶¹ Bloomberg Law, *Lawmakers, Workers Push Chavez-DeRemer to Stop Labor DOGE Cuts* (Apr. 14, 2025), available at: <https://news.bloomberglaw.com/daily-labor-report/lawmakers-workers-push-chavez-deremer-to-stop-labor-doge-cuts>.

1 • **Small Business Administration**

2 211. On April 18, 2025, employees at the SBA throughout the COVID-19 Economic Injury
3 Disaster Loan Serving Center were laid off, effective in dates through May 2025.⁶² “They are firing
4 us just to fire us,” one SBA employee was quoted as saying. “We literally made money for the
5 government by taking loan payment and recovering money in bankruptcy.” *Id.*

6 212. Between March and April, employees throughout other offices at the SBA also
7 received RIF notices, including the Office of Entrepreneurial Development and Office of
8 Entrepreneurial Education, the procurement office, and positions in field, district, and branch offices.
9 For example, the entire Office of Entrepreneurial Education received RIF notices; that office is
10 responsible for administering a \$17 million grant that helps small businesses throughout the country.

11 213. Previously, on March 21, 2025, the SBA issued a news release stating that, as required
12 by President Trump’s Workforce Executive Order, “the agency will reduce its workforce **by 43%** –
13 ending the expansive social policy agenda of the prior Administration, eliminating non-essential
14 roles, and returning to pre-pandemic staffing levels.”⁶³ The agency referred to this elimination of
15 over 2,700 jobs as a “strategic reorganization.” *Id.*

16 214. The SBA Administrator explained that SBA has “submitted” such a reorganization
17 plan to OMB for approval. *Id.* The news release concluded: “SBA’s reorganization plan will
18 provide for the preservation of public services through a strategic transfer of duties. It will be
19 actioned in the coming weeks.” *Id.*

20 215. Notwithstanding the RIF notices going out by email on April 18, the SBA has not
21 made public the ARRPs submitted for OMB and OPM approval in conjunction with the March 13
22 and April 14 deadlines.

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26 ⁶² Gov’t Exec., *SBA hit with more layoffs* (Apr. 18, 2025), available at:
<https://www.govexec.com/workforce/2025/04/sba-hit-more-layoffs/404682/>.

27 ⁶³ U.S. Small Bus. Admin., *Small Business Administration Announces Agency-Wide Reorganization*
28 (Mar. 21, 2025), available at: <https://www.sba.gov/article/2025/03/21/small-business-administration-announces-agency-wide-reorganization> (emphasis added).

1 • **Environmental Protection Agency**

2 216. On April 22, 2025, the EPA began sending RIF notices to some employees across its
3 headquarters and regional offices.⁶⁴

4 217. Previously, both President Trump and EPA Administrator Lee Zeldin expressed that up
5 to 65% of the EPA workforce will eventually be cut.

6 218. The New York Times reported on March 17, 2025 that the Trump Administration
7 intends to “dismantle” EPA’s Office of Research and Development:

8 The Environmental Protection Agency plans to eliminate its scientific research arm,
9 firing as many as 1,155 chemists, biologists, toxicologists and other scientists,
10 according to documents reviewed by Democrats on the House Committee on Science,
11 Space and Technology. The strategy is part of large-scale layoffs, known as a
“reduction in force,” being planned by the Trump administration, which is intent on
shrinking the federal work force.

12 NY Times, *Trump Administration Aims to Eliminate E.P.A.’s Scientific Research Arm* (Mar. 17,
13 2025).⁶⁵

14 219. In response to these public statements, 51 former EPA officials from both Democratic
15 and Republican Administrations sent an “Open Letter” to Congress on March 18, 2025, that
16 explained:

17 We are former Senate-confirmed officials and Regional Administrators who served in
18 the U.S. Environmental Protection Agency during Republican and Democratic
19 administrations. We adhere to EPA’s long-held core principles that the agency
should be apolitical, professional, transparent, and dedicated to following the law and
science.

20 We are greatly alarmed by President Trump’s recent comments that his administration
21 is seeking to cut EPA by 65 percent. We share the concerns expressed by former EPA
22 administrators who recently wrote that “such cuts would render the agency incapable
of protecting Americans from grave threats in our air, water and land.”

23 We are writing to urge Congress to ensure that EPA has sufficient staff and funding to
24 effectively implement the Clean Air Act, Clean Water Act, and other bedrock
25 environmental laws for the good of all Americans.

26 ⁶⁴ Reuters, *EPA begins layoffs of environmental justice staff* (Apr. 22, 2025), available at:
27 <https://www.reuters.com/business/world-at-work/epa-begins-layoffs-environmental-justice-staff-2025-04-22/>.

28 ⁶⁵ Available at: <https://www.nytimes.com/2025/03/17/climate/trump-eliminates-epa-science.html>.
AMENDED COMPLAINT, No. 3:25-cv-03698-SI

1 Deep cuts to EPA threaten more than 50 years of bipartisan progress under Republican
2 and Democratic Congresses and presidents. Actions that diminish EPA's capabilities
3 will place at risk the quality of the air our children breathe, the water we all drink, and
4 the waterways we swim, fish and play in. They would jeopardize EPA's responses to
toxic chemical spills and other disasters as well as basic compliance with America's
environmental laws.

5 Policy changes are to be expected from one administration to the next, but not the
6 dismantling of EPA. ...

7 If the administration does not agree with the laws Congress has passed and the
8 programs it has funded, it should work with Congress to seek changes, not unilaterally
and recklessly freeze, delay, or eliminate funding.⁶⁶

9 220. On May 2, 2025, the EPA announced the next phase of its plans to significantly
10 reorganize the agency and make major cuts to staffing.⁶⁷ The EPA is planning to reduce its staff to
11 Reagan-era levels, which involves cutting its workforce from about 15,000 to as few as 11,000
12 employees.⁶⁸ Specifically, EPA will make major cuts to the Office of Research and Development and
13 has encouraged the Office's 1,500 employees to apply for the approximately 500 new positions
14 created in the reorganization.

15 221. Notwithstanding the RIF notices that began going out on or about April 22, the EPA
16 has not made public the ARRP's submitted for OMB and OPM approval in conjunction with the
17 March 13 and April 14 deadlines.

18 • **Housing and Urban Development**

19 222. HUD has commenced the RIF of positions in the Office of Field Policy and
20 Management ("FPM") throughout the country, including management analysts, program analysts,
21 customer service representatives, and labor standards specialists. The FPM serves as the first point of
22 contact for HUD and housing-related questions and concerns within a community

23
24 ⁶⁶ Available at: <https://www.environmentalprotectionnetwork.org/wp-content/uploads/2025/03/Senate-Confirmed-Officials-and-RA-Letter-to-Congress-Final.pdf>.

25 ⁶⁷ EPA, *EPA Announces Next Phase of Organizational Improvements to Better Integrate Science into*
26 *Agency Offices, Deliver Clean Air, Land, and Water to All Americans* (May 2, 2025), available at:
<https://www.epa.gov/newsreleases/epa-announces-next-phase-organizational-improvements-better-integrate-science-agency>.

27 ⁶⁸ NPR, *The Trump administration says it will cut EPA staffing to Reagan-era levels* (May 2, 2025),
28 available at: <https://www.npr.org/2025/05/02/nx-s1-5385272/epa-environmental-protection-agency-cuts-trump-zeldin>.

223. Notwithstanding the RIF notices that have been sent at HUD, it has not made public the ARRP submitted for OMB and OPM approval in conjunction with the March 13 and April 14 deadlines.

- **General Services Administration**

224. GSA has announced plans for a nearly 50% cut in staff, and has issued RIF notices throughout the agency.⁶⁹ The agency issued RIF notices to at least 600 employees in the Public Buildings Service.⁷⁰

225. Notwithstanding the RIF notices that have been sent at GSA, it has not made public the ARRP submitted for OMB and OPM approval in conjunction with the March 13 and April 14 deadlines.

- **OPM**

226. On April 18, 2025, OPM issued RIF notices to all employees in the Center for Leadership Development, which provides leadership development training to federal employees across the government.⁷¹ OPM has also eliminated its office for Human Capital Data Management and Modernization, Office of Communications, and Office of Procurement as part of its RIF.

227. Notwithstanding the RIF notices that have been sent at OPM, it has not made public the ARRP submitted in conjunction with the March 13 and April 14 deadlines.

2. Imminent RIFs in Service of Government-wide Reorganization

228. At least the following federal agencies will begin to implement their ARRP by commencing plans to reorganize, including notifying employees of large-scale RIFs, imminently:

⁶⁹ Fed. News Network, *GSA seeks 50% spending cuts, nonvoluntary RIF after OPM's resignation offer* (Feb. 4, 2025), available at: <https://federalnewsnetwork.com/hiring-retention/2025/02/gsa-seeks-50-spending-cuts-nonvoluntary-rif-after-opms-resignation-offer/>.

⁷⁰ Gov't Exec., *GSA continues slow drip of ROFs, nearly wiping out entire offices* (Mar. 7, 2025), available at: <https://www.govexec.com/workforce/2025/03/gsa-continues-slow-drip-rifs-nearly-wiping-out-entire-offices/403573/>.

⁷¹ Fed. News Network, *OPM shuts office that trained agency leaders, next generation of federal talent* (May 1, 2025), available at: <https://federalnewsnetwork.com/reorganization/2025/05/opm-shuts-office-that-trained-agency-leaders-next-generation-of-federal-talent/>.

1 • **USDA**

2 229. As of filing, the USDA has not yet made public the ARRPs submitted for OMB and
3 OPM approval in conjunction with the March 13 and April 14 deadlines.

4 230. However, on April 7, 2025, Government Executive reported from USDA sources:
5 Some employees have been told to expect the department to cut back to fiscal 2019
6 staffing levels—which would lead to USDA slashing around 9,000 of its 98,000
7 employees—while others have been told there is an overall federal workforce
8 reduction number the administration has developed and the department will do its part
9 proportionally to meet that target.
10 Gov’t Exec., *USDA to slash headquarters, other staff and relocate some to new ‘hubs’ around the*
11 *country* (Apr. 7, 2025).⁷²

12 231. In an email to USDA employees offering them another round of the Fork in the Road
13 Deferred Retirement program, Secretary Rollins stated that RIFs were imminent. *Id.*

14 232. On April 15, 2025, Government Executive reported further:

15 The Trump administration is planning to severely scale back or outright eliminate
16 funding for many programs across the Agriculture Department, according to White
17 House documents obtained by Government Executive, as it slashes workers and closes
18 offices at the local level.... The proposed cuts come as USDA is planning to gut its
19 Washington headquarters, consolidate mission areas and administrative functions and
20 relocate some staff to new “hubs” around the country.⁷³

21 • **Department of Commerce**

22 233. In March, the press began reporting that the Department of Commerce would seek to
23 cut 20 percent of the National Oceanic and Atmospheric Administration (“NOAA”) staff. Later in
24 March, staff at NOAA were told they could take “voluntary” retirement offers rather than be laid off
25 in the coming RIFs. DOGE has also listed 19 NOAA facilities for lease termination, including the
26 Radar Operations Center, which houses staff for the nation’s Doppler radar network.⁷⁴ RIFs have

27 ⁷² Available at: <https://www.govexec.com/workforce/2025/04/usda-slash-headquarters-other-staff-and-relocate-some-new-hubs-around-country/404371/>.

28 ⁷³ Gov’t Exec., *White House pitches layoffs, local office closures and program eliminations at USDA* (Apr. 15, 2025), available at: <https://www.govexec.com/management/2025/04/white-house-pitches-layoffs-local-office-closures-and-program-eliminations-usda/404580/>.

⁷⁴ PBS News, *As NOAA braces for more cuts, scientists say public safety is at risk (March 14, 2025)*, available at: <https://www.pbs.org/newshour/nation/as-noaa-braces-for-more-cuts-scientists-say-public-safety-is-at-risk>.

also been announced for the National Centers for Environmental Information, which manages climate data critical to disaster preparation and response.⁷⁵

234. The Commerce Department has not made public the ARRP submitted for OMB and OPM approval in conjunction with the March 13 and April 14 deadlines.

- **Department of Defense**

235. In March, Military Times reported on Defense Secretary Hegseth's goal of cutting 5-8 percent of the total Department civilian workforce, which amounts to 50,000 to 70,000 jobs.⁷⁶

236. The Defense Department has not made public the ARRP submitted for OMB and OPM approval in conjunction with the March 13 and April 14 deadlines.

- **Department of Energy**

237. The Department of Energy's March 13 ARRP submitted to OMB and OPM for approval was, according to press reports, leaked to the press.⁷⁷

238. According to press reports, that ARRP identified 43 percent of its workforce as "non-essential" according to the provided parameters. The report admitted: "While the core group of essential personnel required to remain during a lapse are extremely minimal, such limited capabilities are neither intended nor capable of sustaining ongoing government operations." *Id.*; see also Associated Press, *The Energy Department identifies thousands of nonessential positions at risk of DOGE cuts* (Apr. 4, 2025) ("The Energy Department has identified thousands of federal workers it deems "nonessential" and would not be protected if there is another round of large-scale firings, according to a document obtained by The Associated Press.").⁷⁸

⁷⁵ Citizen Times, *NCEI, office critical to disaster prep and response, hit with more DOGE staffing cuts* (May 7, 2025), available at: <https://www.citizen-times.com/story/news/local/2025/05/07/more-doge-staffing-cuts-at-ncei-as-reduction-in-force-looms/83477853007/>.

⁷⁶ MilitaryTimes, *Almost 21,000 DOD employees approved to resign amid workforce cuts* (Mar. 18, 2025), available at: <https://www.militarytimes.com/news/pentagon-congress/2025/03/18/almost-21000-dod-employees-approved-to-resign-amid-workforce-cuts/>.

⁷⁷ Fed. News Network, *Energy Department extends hiring freeze, deems 43% workforce non-essential in reorganization plan* (Apr. 4, 2025), available at: <https://federalnewsnetwork.com/workforce/2025/04/energy-department-extends-hiring-freeze-deems-43-workforce-non-essential-in-reorganization-plan/>.

⁷⁸ Available at: <https://apnews.com/article/energy-federal-employees-layoffs-rif-doge-db7b6446928095c26bfe79c608e1e8e7>.

239. Then, in early April 2025, U.S. Senate Democrats released a fact sheet detailing information in the possession of Senators that:

DOGE is reportedly proposing staffing cuts of up to 50% of the workforce at the Department of Energy (DOE), with new reductions in force (RIFs) hitting key priorities such as clean energy, grid resilience, and state and community programs the hardest while even targeting national security programs.

The document summarizes:

The staffing cuts the Department is reportedly contemplating break down as follows:

1. 54% cut (1,800+ positions) to science and innovation programs
2. 61% cut (990+ positions) to energy infrastructure and deployment programs
3. 71% cut (3,000+ positions) to the Deputy Secretary's Office, environmental management programs, and other policy programs
4. 18% cut (540+ positions) to the Nuclear National Security Administration (NNSA)
5. 10% cut (520+ positions) to the Power Marketing Administrations (PMAs)

240. The Energy Department has not made public the ARRPs submitted for OMB and OPM approval in conjunction with the March 13 and April 14 deadlines.

- **Department of the Interior**

241. The press began reporting the week of April 7, 2025 that a “major reorganization” of the Department of Interior “looms.”⁷⁹ “DOGE is leading the reorganization plan,” an Interior employee anonymously told the press. *Id.* When asked,

Interior spokesperson Elizabeth Peace said that “under President Trump’s leadership, we are implementing necessary reforms to ensure fiscal responsibility, operational efficiency, and government accountability.”

Peace added, “We do not comment on personnel matters.”

Id.

242. On April 17, 2025, the Secretary of the Interior issued a Secretary’s Order: Consolidation, Unification and Optimization of Administrative Functions. The Secretary explained:

The Department is committed to supporting President Trump’s Executive Order (EO) No. 14210, titled “Implementing the President’s ‘Department of Government Efficiency’ Workforce Optimization Initiative,” issued on February 11, 2025. As part of that commitment, the Department will be unifying and consolidating many of its functions within the Office of the Secretary.

⁷⁹ E&E News, *Major reorganization looms for Interior* (Apr. 10, 2025), available at: <https://subscriber.politicopro.com/article/eenews/2025/04/10/major-reorganization-looms-for-interior-00283745>.

1 Dept. of the Interior, Order No. 3429. The Secretary then delegated the authority to “lead and
 2 coordinate the consolidation, unification and optimization efforts within the Department and its
 3 Bureaus and Offices” to an individual who is the DOGE Team lead at the Department (Tyler
 4 Hassen). *Id.*⁸⁰

5 243. Then, on April 23, 2025, news broke that “Interior solicits employees’ resumes in
 6 preparation for widespread layoffs.”⁸¹ The U.S. Geological Service emailed employees regarding
 7 coming RIFs, collecting resumes to determine which employees were essential. The NPS was
 8 reportedly not far behind. Alyse Sharpe, an Interior spokesperson, told Government Executive that
 9 the department was “adhering to guidelines as laid out by the Office of Personnel Management but
 10 had no further details on RIF plans at this time[,]” according to that publication.⁸²

11 244. Interior has yet to explain the number of employees impacted by this reorganization,
 12 or to provide any further details regarding the ARRP submitted to OMB for approval, including with
 13 respect to any of its important subagencies (including the National Park Service, the Bureau of Land
 14 Management, and the Bureau of Reclamation). An earlier memo stated that the Department will
 15 implement RIFs “to maximize workforce efficiency,” exempting only positions “critical to public
 16 safety” or “directly linked to the highest priority programs.”

17 245. On April 9, 2025, Interior Secretary Doug Blumin denied having a “specific
 18 headcount” for coming RIFs.⁸³ A document provided to the Washington Post previously showed 1 in
 19 4 positions at Interior being considered for cuts.⁸⁴

22 ⁸⁰ See also The Hill, *Interior Department gives broad powers to DOGE-tied official* (Apr. 21, 2025).

23 ⁸¹ Gov’t Exec., *Interior solicits employees’ resumes in preparation for widespread layoffs* (Apr. 23,
 24 2025), available at: [https://www.govexec.com/workforce/2025/04/interior-solicits-employees-
 resumes-preparation-widespread-layoffs/404786/](https://www.govexec.com/workforce/2025/04/interior-solicits-employees-resumes-preparation-widespread-layoffs/404786/).

25 ⁸² *Id.*

26 ⁸³ E&E News, *How many Interior jobs will be cut? Doug Burgum’s not sure, yet* (Apr. 9, 2025),
 available at: [https://www.eenews.net/articles/how-many-interior-jobs-will-be-cut-doug-burgums-not-
 sure-yet/](https://www.eenews.net/articles/how-many-interior-jobs-will-be-cut-doug-burgums-not-sure-yet/).

27 ⁸⁴ Wash. Post, *Internal White House document details layoff plans across U.S. agencies* (Mar. 27,
 28 2025), available at: [https://www.washingtonpost.com/politics/2025/03/27/federal-worker-layoffs-
 government-agencies/](https://www.washingtonpost.com/politics/2025/03/27/federal-worker-layoffs-government-agencies/).

246. On May 7, 2025, the press reported that Interior “is finalizing reduction-in-force plans expected to target thousands of employees, including 1,500 at the National Park Service, with notices going out to employees within 10 days.”⁸⁵ The U.S. Geological Survey is also expected to terminate 1,000 employees focused on its Ecosystems Mission Area, the Bureau of Reclamation is expected to terminate around 100 to 150 employees, and the Bureau of Land Management and Fish and Wildlife Service are expected to terminate employees as well.

247. The Interior Department has not made public the ARRP submitted for OMB and OPM approval in conjunction with the March 13 and April 14 deadlines.

- **National Labor Relations Board**

248. The National Labor Relations Board submitted its ARRP for approval to OMB, telling OMB it had determined it would not engage in any RIF, because the employees’ work was too essential to the agency’s mission. OMB rejected the NLRB ARRP and required the agency to submit a different one.⁸⁶

249. On information and belief, forced to do so, the NLRB now plans to RIF employees.

250. The NLRB has not made public the ARRP submitted for OMB and OPM approval in conjunction with the March 13 and April 14 deadlines.

- **National Science Foundation**

251. On information and belief, NSF submitted an initial ARRP that did not include large-scale RIFs and instead relied on voluntary separation offers to satisfy the Workforce Executive Order.

⁸⁵ Gov’t Exec., *Thousands of layoffs to hit Interior, National Parks imminently* (May 7, 2025), available at: <https://www.govexec.com/workforce/2025/05/thousands-layoffs-hit-interior-national-parks-imminently/405145/>.

⁸⁶ Bloomberg Law, *White House pushed job cuts at agency that’s clashed with Musk* (2) (April 29, 2025), available at: <https://news.bloomberglaw.com/product/blaw/bloomberglawnews/exp/eyJpZCI6IjAwMDAwMTk2LTgyOTAtdDg3Yi1hM2Y2LWRlYjQ1NTZhMDAwNCIsImN0eHQiOiJETE5XIiwidXVpZCI6IjRtVHNJOURUOUUpCSDN3U0o2dzZtS1E9PURoNGFpbGdwTjNMZjh0WUNRRXZBU1E9PSIsInRpbWUiOiIxNzQ1OTQ3NTQ3NzIwIiwic2lnIjoieVpIbkdwaEVOYkw1NEclVG9xamtsNDZZcURNPSIsInYiOiIxIn0=?source=newsletter&item=read-text®ion=digest&channel=daily-labor-report>.

1 But in late April, OMB, OPM, and DOGE rejected that plan, and according to the press, instructed
2 NSF to lay off half of the agency’s employees under “orders from the White House.”⁸⁷

3 252. The press has also reported that NSF’s “37 divisions—across all eight NSF
4 directorates—are being abolished and the number of programs within those divisions will be
5 drastically reduced.”⁸⁸ Current directors will also lose their titles and may be reassigned to other
6 positions. *Id.* The press also reported that, as soon as May 9, 2025, NSF was expected to send layoff
7 notices. *Id.* On May 9, 2025, NSF sent RIF notices to all employees working in the Division of
8 Equity for Excellence in STEM.

9 253. NSF has not made public the ARRP’s submitted for OMB and OPM approval in
10 conjunction with the March 13 and April 14 deadlines.

11 • **Social Security Administration**

12 254. On April 7, 2025, Government Executive reported that it had obtained a copy of the
13 SSA’s ARRP.⁸⁹ That plan “includes ‘field office consolidation’ as a goal for next year—even as the
14 agency maintains publicly that it isn’t closing field offices.” *Id.* This was after Elon Musk posted a
15 list of federal real estate for sale that included *47 Social Security Administration field offices*.⁹⁰

16 255. That same leaked document confirmed a planned cut of approximately 5,000 to 7,000
17 employees. *Id.*

18 256. Back in February, the SSA confirmed that it would implement President Trump’s
19 executive order by implementing reductions in force that “could include abolishment of organizations
20 and positions” and would “soon implement agency-wide organizational restructuring.” Press
21

22
23 ⁸⁷ Science, *Exclusive: NSF director to resign amid grant terminations, job cuts, and controversy* (Apr.
24 24, 2025), available at: <https://www.science.org/content/article/nsf-director-resign-amid-grant-terminations-job-cuts-and-controversy>.

25 ⁸⁸ Science, *Exclusive: NSF faces radical shake-up as officials abolish its 37 divisions* (May 8, 2025),
26 available at:

27 ⁸⁹ Gov’t Exec., *SSA reorg plan contemplates field office closures, contradicting public statements*
28 (Apr. 7, 2025), available at: <https://www.govexec.com/management/2025/04/ssa-reorg-plan-contemplates-field-office-closures-contradicting-public-statements/404369/>.

⁹⁰ Associated Press, *A list of the Social Security offices across the US expected to close this year*
(Mar. 19, 2025), available at: <https://apnews.com/article/social-security-offices-closures-doge-trump-b2b1a5b2ba4fb968abc3379bf90715ff>.

1 Release, Social Security Administration, *Social Security Announces Workforce and Organization*
 2 *Plans* (Feb. 28, 2025).⁹¹

3 257. The SSA has not made public the ARRP's submitted for OMB and OPM approval in
 4 conjunction with the March 13 and April 14 deadlines.

5 • **State Department**

6 258. The State Department has put forward conflicting accounts of a massive
 7 reorganization plan. Initially, on April 20, 2025, the New York Times reported on a draft
 8 reorganization plan that would require congressional approval and would take the form of another
 9 Executive Order.⁹² The State Department disclaimed responsibility and claimed that draft was “fake
 10 news.” *Id.*

11 259. On April 22, 2025, the Department officially announced a reorganization plan as
 12 follows:

13 To deliver on President Trump’s America First foreign policy, we must make the State
 14 Department Great Again.

14 ...

15 In its current form, the Department is bloated, bureaucratic, and unable to perform its
 16 essential diplomatic mission in this new era of great power competition. Over the past
 15 years, the Department’s footprint has had unprecedented growth and costs have
 soared. ...

17 That is why today I am announcing a comprehensive reorganization plan that will
 18 bring the Department into the 21 Century. This approach will empower the
 19 Department from the ground up, from the bureaus to the embassies. Region-specific
 functions will be consolidated to increase functionality, redundant offices will be
 removed, and non-statutory programs that are misaligned with America’s core national
 interests will cease to exist.⁹³

20 The announcement explained that “The Department will implement the changes methodically over
 21 the next several months.” *Id.*

25 ⁹¹ Available at: <https://blog.ssa.gov/social-security-announces-workforce-and-organization-plans/>.

26 ⁹² New York Times, *Trump Administration Draft Order Calls for Drastic Overhaul of State*
Department (April 20, 2025), available at [https://www.nytimes.com/2025/04/20/us/politics/trump-](https://www.nytimes.com/2025/04/20/us/politics/trump-state-department-overhaul.html)
 27 [state-department-overhaul.html](https://www.nytimes.com/2025/04/20/us/politics/trump-state-department-overhaul.html).

28 ⁹³ U.S. State Dept., *Building an America First State Department*, available at:
<https://www.state.gov/building-an-america-first-state-department/>.

1 260. The Department explained in a “Fact Sheet” that: “As part of the plan, the Under
2 Secretaries will also submit a path to reducing staff in domestic offices by 15 percent, consistent with
3 the President’s Workforce Optimization Initiative.”⁹⁴

4 261. The Department also issued an “FAQ” that explained the RIFs are coming within the
5 next 60 days. That FAQ included such questions as “Q: My office is being eliminated. What
6 happens to me and my colleagues?” and “Q: My bureau is being moved to another office. What
7 happens to me and my colleagues?”

8 262. The Department also explained the efforts to integrate the U.S. Agency for
9 International Development (dismantled by prior Executive Order) into the State Department:

10 While implemented separately, these two distinct reorganization efforts are highly
11 complementary, and the Secretary and Department leadership continue to carefully consider
12 the integration of former USAID programs and functions in developing and implementing the
13 Department’s reorganization plan.

14 263. Secretary of State Rubio explained further: “To transfer the remaining functions of
15 USAID to such a monstrosity of bureaus would be to undo DOGE’s work to build a more efficient
16 and accountable government.”⁹⁵

17 264. Additional information regarding State Department RIFs have trickled out. The press
18 has reported that the State Department is planning to terminate 3,400 employees beginning in early
19 June,⁹⁶ and employees have begun to receive informal notifications that their roles will be cut. A cut
20 of 3,400 employees amounts to more than 15 percent of Department staff.

21 265. The State Department has not made public the ARRPs submitted for OMB and OPM
22 approval in conjunction with the March 13 and April 14 deadlines.

23
24
25 ⁹⁴ Available at: <https://www.nbcnews.com/politics/trump-administration/marco-rubio-unveils-massive-overhaul-state-department-reduction-staff-rcna202458>.

26 ⁹⁵ Available at: <https://statedept.substack.com/p/a-new-state-department-to-meet-the>.

27 ⁹⁶ Gov’t Exec., *State Dept. cuts poised to be more severe than previously outlined, with 3,400*
28 *employees on the chopping block* (May 9, 2025), available at:
<https://www.govexec.com/management/2025/05/state-dept-cuts-poised-be-more-severe-previously-outlined-3400-employees-chopping-block/405171/>.

1 • **Department of Transportation**

2 266. On May 2, 2025, the press reported that Transportation Secretary Sean Duffy
3 announced at a town hall meeting that the Department of Transportation “will perform reductions in
4 force at the end of May as part of the Trump’s administration goal to reduce the federal employee
5 headcount.”⁹⁷ Secretary Duffy stated that the number of employees subject to the RIF will depend on
6 the number of employees who participate in the second round of the deferred resignation program.

7 267. The Department of Transportation has not made public the ARRPs submitted for OMB
8 and OPM approval in conjunction with the March 13 and April 14 deadlines.

9 • **Peace Corps**

10 268. On April 28, 2025, the press reported that the Peace Corps was “planning to reduce the
11 number of full-time staff who support volunteers overseas” at the direction of DOGE.⁹⁸ The agency
12 warned staff of “significant restructuring efforts at the agency.” *Id.*

13 269. On May 9, 2025, the press reported that the “Peace Corps may reduce its global staff
14 by 25 percent, potentially closing some of its 60 international posts.”⁹⁹ Cuts at the Washington D.C.
15 headquarters were anticipated to be even more severe – ranging from 50 to 80 percent of headquarter
16 staff. *Id.*

17 270. It is also common knowledge among Peace Corps employees that RIFs are on the
18 horizon. Departments of the Peace Corps told staff in all-staff meetings that RIFs were a possibility,
19 and some managers have told employees that their positions will be cut in a RIF. Employees have
20 also overheard conversations and seen documents that indicate that the Peace Corps will soon RIF its
21 employees.

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23
24 ⁹⁷ Gov’t Exec., *Initial layoffs at Transportation Department expected in late May* (May 2, 2025),
available at: <https://www.govexec.com/workforce/2025/05/initial-layoffs-transportation-department-expected-late-may/405041/>.

25 ⁹⁸ N.Y. Times, *Peace Corps, under review by DOGE, is said to plan ‘significant’ staff cuts* (April 28,
26 2025), available at: <https://www.nytimes.com/2025/04/28/us/politics/peace-corps-cuts-doge.html>.

27 ⁹⁹ Independent, *JFK-created Peace Corps prep for ‘significant restructuring efforts’ as DOGE targets*
28 *humanitarian group* (May 9, 2025), available at:
<https://www.independent.co.uk/news/world/americas/us-politics/peace-corps-restructuring-doge-review-b2748241.html>.

1 • **Department of the Treasury**

2 271. On April 15, 2025, an internal IRS memo was leaked to the press detailing planned
3 cuts of up to 40% of its workforce, including approximately 60,000 to 70,000 positions, through bi-
4 weekly RIF notices starting “this week.”¹⁰⁰

5 272. Previously, on April 9, 2025, leaked ARRP plans indicated that Treasury plans to cut
6 up to 50% of its tax enforcement staff, and 20% across the board for other components.¹⁰¹

7 273. The Treasury Department has not made public the ARRPs submitted for OMB and
8 OPM approval in conjunction with the March 13 and April 14 deadlines.

9 • **Veterans Affairs**

10 274. On March 4, 2025, the Chief of Staff of the Department of Veterans Affairs issued a
11 *Memorandum – Department of Veterans Affairs Agency Reduction in Force (RIF) and Reorganization*
12 *Plan (ARRP)*, Dep’t of Veterans Affairs (Mar. 4, 2025). That memo implements the President’s
13 Executive Order, and explains: “For planning purposes, the Department’s initial objective is to return
14 to our 2019 end-strength numbers of 399,957 employees,” which reflects an approximate cut of
15 80,000 jobs.¹⁰²

16 275. In early March, VA Secretary Doug Collins appeared on Fox & Friends and was asked
17 about the plans to cut 80,000 jobs:

18 “So, the 80,000 number that has come out, is that number already done? Have you
19 already decided who to let go?” Fox’s Brian Kilmeade questioned.

20 “No, that is a goal that was put out ... [as] President Trump and [the Office of
21 Personnel Management] have said let’s look at a reduction in force across
22

23 ¹⁰⁰ Fed. News Network, *IRS outlines plan to cut up to 40% of workforce, as tax filing season ends*
24 (Apr. 15, 2025), available at: <https://federalnewsnetwork.com/workforce/2025/04/irs-outlines-plan-to-cut-up-to-40-of-workforce-as-tax-filing-season-ends>; see also CNBC, *Tax attorneys say IRS has become a ‘zombie’ as agency cuts staff and halts audits of the wealthy* (Apr. 17, 2025), available at:
25 <https://www.cnbc.com/2025/04/17/irs-staff-cuts-fewer-audits-of-wealthy.html>.

26 ¹⁰¹ Fed. News Network, *Treasury plans to cut up to 50% of IRS enforcement staff, 20% of other*
27 *components* (Apr. 9, 2025), available at:
<https://federalnewsnetwork.com/reorganization/2025/04/treasury-plans-to-cut-up-to-50-of-irs-enforcement-staff-20-of-other-components/>.

28 ¹⁰² Available at: <https://www.afge.org/globalassets/documents/generalreports/2025/va-memo-3-4-25.pdf>.

1 *government,” Collins replied. “And that is a goal, that is our target.”*¹⁰³

2 276. In April 2025, as the deadline for the April 14 ARRP approached, a VA employee
3 leaked the contents of the plans to the press. The plan is to RIF the 80,000 employees in four
4 categories, in phases including:

- 5 1. Administrative and Support Roles:
 - 6 • Policy and program analysts
 - 7 • HR personnel
 - 8 • IT support staff in non-critical functions
 - 9 • Clerical and data entry positions
- 10 2. Medical and Healthcare Support Staff
 - 11 • Non-patient-facing administrative healthcare roles
 - 12 • Some contract positions in VA medical centers
 - 13 • Certain research positions with reduced funding
- 14 3. Regional and Central Office Staff:
 - 15 • Veterans Affairs Central Office (VACO) will see cuts in operational, administrative, and policy roles
 - 16 • Reductions in public affairs, strategic planning, and some procurement functions
- 17 4. Field Office and Call Center Reductions:
 - 18 • VA call centers are expected to be streamlined with automation, reducing the need for live agents
 - 19 • Some regional field office roles will be merged or reassigned¹⁰⁴

20 The VA responded to this report claiming the document was “fraudulent.” *Id.*

21 277. On April 10, 2025, at a press conference in Chesapeake, Virginia, VA Secretary Doug
22 Collins was questioned about the VA’s plan to cut 80,000 jobs:

23 One reporter asked, “Did you end up doing this backwards? Talking about how many people
24 you were going to cut before you actually had a plan to restructure the VA and to make it
25 more efficient?”

26 *“No, I think one of the things is, it was put across when Donald Trump was elected, he said
27 ‘We’re going to make government smaller and more efficient,’ ” Collins replied.*¹⁰⁵

28 ¹⁰³ The Hill, *VA Secretary: Cutting 80,000 is “our target,”* (Mar. 10, 2025), available at: <https://www.yahoo.com/news/va-secretary-cutting-80-000-170115439.html>.

¹⁰⁴ KTNV Las Vegas, *As concerns among veterans rise, VA source shares details of workforce reduction plan* (Apr. 11, 2025), available at: <https://www.ktnv.com/news/as-concerns-among-veterans-rise-va-gives-timeline-of-how-their-workforce-reduction-plan-will-affect-them>.

¹⁰⁵ The American Homefront Project, *How much of the VA’s budget savings will go to patient care? Collins says it’s ‘up to the President’*, (April 17, 2025), available at: <https://americanhomefront.wunc.org/news/2025-04-17/how-much-of-the-vas-budget-savings-will-go-to-patient-care-collins-says-its-up-to-the-president>.

278. The VA has not made public the ARRP submitted for OMB and OPM approval in conjunction with the March 13 and April 14 deadlines.

279. The agency plans described above are being created and implemented pursuant to the Workforce Executive Order. Taken alone, as well as in conjunction with other government-wide actions ordered by this Administration, each would have constituted a “reorganization” within the meaning of the most recent, but now expired, statute authorizing the President to propose reorganizations. 5 U.S.C. § 903.

280. There are no public reports, anywhere, of any federal agency planning to engage in “large-scale” RIFs of employees prior to President Trump’s February 11, 2025 Executive Order.

281. On information and belief, no agency had decided such reductions would be consistent with agency mission, statutory obligations, or good policy prior to President Trump's order to plan such reductions.

282. On information and belief, as confirmed by the public statements of VA Secretary Collins and OMB and OPM’s rejection of the initial ARRP’s of at least NLRB and NSF (which proposed few or no RIFs), the “target” cuts in staff are being dictated to agencies by DOGE, in service of the President’s policy agenda of “transforming” the federal government.

283. On information and belief, no agency has or would independently decide to cut the entire offices, programs and functions that DOGE, acting the President's behalf, is ordering agencies to cut.

V. Widespread Actual and Imminent Irreparable Harm

284. The above ongoing and imminent actions taken by the President, OMB and OPM, DOGE, and the Federal Agency Defendants to implement Executive Order 14210 and the OMB/OPM Memorandum and the resulting ARRP, have and will cause harm, including irreparable harm, to Plaintiffs, their members, and others, including but not limited to the following:

1 285. Plaintiffs were denied the opportunity for advance notice and to publicly comment on
2 the rules imposed by OMB and OPM in the February 26, 2025 Memorandum and thereby prevented
3 from exercising a right guaranteed by the Administrative Procedure Act.

4 286. Plaintiffs AFGE, the AFGE locals, AFSCME, and SEIU each represent, and have as
5 members, federal employees who have been or will be laid off as a result of the ARRs created
6 pursuant to the President's Executive Order No. 14210. Those federal employees will lose their
7 income, their health benefits, and other incidents of employment, causing severe irreparable harm to
8 them, their families, and their communities.

9 287. Plaintiffs AFGE, AFGE locals, AFSCME, and SEIU each represent, and have as
10 members, federal employees who, if they keep their job, will be subject to a reorganization resulting
11 from the large-scale RIFs that makes doing their job more difficult as result of the ARRs created
12 pursuant to the President's Executive Order 14210. Each federal employee who remains will be
13 required to do more to meet the agency's statutory mission and obligations, without the support of
14 colleagues who, until the implementation of the President's orders, the agency believed were needed
15 to perform the work of the agency.

16 288. Each union Plaintiff has the core function of representing employees, including those
17 in federal bargaining units, in collective bargaining and providing counseling, advice, and
18 representation to employees in the event of adverse employment actions. Each union Plaintiff has
19 and will be imminently prevented, by the mass terminations ordered by the President and directed by
20 DOGE, OMB, and OPM as part of the purported reorganization of the federal government, from
21 exercising those core functions as employee representatives.

22 289. Each union Plaintiff has expended substantial time and resources as a result of the
23 President's Executive Order and OMB/OPM's implementing Memorandum, and the federal agencies'
24 implementing ARRs, addressing member concerns and attempting to provide employees with
25 effective representation. Each Plaintiff has been forced to divert resources that would be devoted to
26 representing employees who have or will experience adverse employment actions.

1 290. Each union Plaintiff has been harmed in multiple other ways by the actual and
2 imminent termination of its members, including by the loss of dues income and bargaining power.
3 For example, Plaintiffs AFSCME, SEIU, SEIU Local 521, SEIU Local 1000, and SEIU Local 1021
4 have each been harmed because the well-being, job security, and working conditions of their
5 members who work for state, local government, and private employers are significantly and adversely
6 impacted by the reduction in federal government services occasioned by the President's Executive
7 Order, the OMB/OPM implementing Memorandum and the resulting ARRP.

8 291. Each non-profit organization Plaintiff and its members have suffered or will
9 imminently suffer actual and ongoing harm as a result of the implementation of Executive Order
10 14210, the OMB/OPM Memorandum and the resulting ARRP, as the direct result of delays and
11 reduction in services provided by the federal agencies on which they rely.

12 292. The Plaintiff non-profit organizations are being adversely impacted by these large-
13 scale, agency-wide reorganizations and RIFs across the country and the harms caused by the
14 reductions in staff are and will not be limited to a defined and particular geographic area.

15 293. Each local government Plaintiff has suffered or will imminently suffer actual and
16 ongoing harm as a result of the implementation of Executive Order 14210, the OMB/OPM
17 Memorandum and the resulting ARRP, as the direct result of delays and reduction in services
18 provided by the federal agencies on which they rely.

19 294. The Plaintiff local governments are being adversely impacted by these large-scale,
20 agency-wide reorganizations and RIFs that have and will result in reductions in staff and services
21 both within and without their borders, and often involve staff performing work in locations across the
22 country not within the geographic borders of the local government.

23 295. Plaintiffs describe some of those harms to the Plaintiffs, by Federal Agency
24 Defendant, as follows. Plaintiffs would also face severe and irreparable injury to the extent that other
25 Federal Agency Defendants that have not publicly announced their plans, or taken action that has
26 been made public, move forward with reorganization and reductions-in-force, including at the
27 Department of Defense, Department of Homeland Security, and Department of Transportation.

1 • **USDA**

2 296. Implementing the Executive Order and USDA ARRP to imminently terminate many
3 thousands of USDA staff, to return staffing to 2019 levels, will irreparably and immediately harm the
4 federal employees who are terminated, those who remain, and their labor representatives including
5 Plaintiff AFSCME and Plaintiff AFGE. It will also irreparably and immediately harm the non-federal
6 employee members of Plaintiffs AFSCME and SEIU who work in food service in K-12 schools that
7 rely on USDA's school food programs for funding and for dietary guidelines or provide family
8 childcare services that rely on USDA's childcare food program reimbursements.

9 297. These actions will also have a direct and severely detrimental impact on Plaintiff
10 NOFA, its members, and the farmers and other communities the USDA serves. For example,
11 NOFA's members rely financially on the services provided by the Farm Services Agency (FSA) and
12 the Natural Resources Conservation Service (NRCS), including FSA loans to purchase and improve
13 farms, farm equipment, and anything necessary to run the farms, and rely on their local FSA and
14 NRCS officers to understand their specific farm's physical characteristics and business plans and to
15 conduct in-person business because many lack reliable internet access or proficiency.

16 298. These actions will also have a severely detrimental impact on the American
17 Geophysical Union as well as its members, who rely on the USDA's funding, collaboration with its
18 scientists, and use of its research, which is vital to, among other things, supporting the health of
19 forests and rangelands in the face of climate change and other ecological stressors. Western
20 Watersheds Project will also face injury from the impairment of the Department's ability to control
21 livestock grazing on Forest Service lands, causing damage to riparian habitats and spawning streams
22 that are critical to the survival of certain species, including on WWP-owned land.

23 299. In addition, the implementation of the Executive Order and USDA ARRP will cause a
24 direct, immediate and seriously detrimental injury to local governments that interact directly with this
25 agency and rely on its services every day, specifically including but not limited to Plaintiffs King
26 County, Harris County, County of Santa Clara, and the City and County of San Francisco.

1 300. For example, Plaintiffs King County and Harris County own and/or operate some of
2 the busiest airports and ports of entry in the nation. The Department of Agriculture provides
3 personnel at these major transportation centers to manage prey animals that attract predatory birds
4 that create hazards to air traffic through risk of bird strikes to aircraft. The Department also helps
5 Plaintiff Harris County protect the food supply at food manufacturing facilities processing meat and
6 dairy products. Absent these critical food safety staff provided by the agency, Plaintiff Harris County
7 lacks the staff capacity, expertise, training, and authority to replace these critical food safety roles and
8 would struggle to prevent outbreaks of food borne illnesses and pathogens such as avian flu that
9 necessitate the destruction of food supply.

10 301. Similarly, Plaintiff Santa Clara relies on the USDA Wildlife Services program to
11 depredate predators and other animals, including, for example, mountain lions, bears, and pigs, and
12 then tests them to determine if they have any infectious diseases or pose any other risks. In a recent
13 example, USDA Wildlife Services staff depredated several feral swine in Santa Clara, and upon
14 testing them learned—and alerted Santa Clara staff—that those specific swine carried diseases
15 threatening residents, pets, agricultural producers, and the human food supply. Reductions to the
16 USDA Wildlife Services program within and outside Santa Clara, will cause an information gap that
17 will heighten the risks to Santa Clara, its agriculture industry, and its residents, and that Santa Clara
18 (and no other local government) could make up for.

19 302. Local jurisdictions also rely on USDA to prepare for, respond to, and recover from
20 natural disasters and other emergencies. For instance, in the aftermath of a major wildfire in Summer
21 2020, Santa Clara's Office of Emergency Management coordinated with USDA to facilitate USDA
22 employees coming to the affected area. The USDA set up and staffed a field station to help ranchers
23 who lost grazing lands apply for low-interest loans, obtain machinery and tools, and even repair
24 damaged equipment. Reducing and relocating staff will necessarily adversely impact Santa Clara's
25 ability to support its residents, including those who live in remote areas that are more difficult to
26 serve, in the aftermath of wildfires and other natural disasters, particularly those that affect the
27 substantial amount of agricultural production in the area. The results could include a weakened
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1 economy, potential loss or relocation of agricultural businesses, diminished community resilience
2 after disasters, and additional costs to Santa Clara itself (in the form of staff time and funds) to
3 support recovery.

4 303. Diminishment of the U.S. Forest Service staffing would force local and state
5 firefighting agencies to carry more of the burden of responding to wildfires and go without the
6 assistance on which they often rely. The U.S. Forest Service performs essential work to manage
7 federal wildland, to mitigate the risks of wildfire, and to fight wildfires when they occur. It is a
8 critical component of the system of mutual aid used by firefighters across the United States. Santa
9 Clara has experienced several very large wildfires in recent years, including several that were, at the
10 time, the largest in California history.

11 304. Reduction of the USDA's already understaffed Food Safety Inspection Service, which
12 is responsible for ensuring that the nation's meat supply is free from disease and contamination, will
13 directly impact local governments by increase the risks of suffer foodborne illness and disease, which
14 will burden local governments' health and hospital systems and public health departments, including
15 those operated by Plaintiff Santa Clara. Reductions to the USDA's Animal and Plant Health
16 Inspection Service will hamper local governments' efforts to monitor and respond to agricultural
17 pests (such as the Mediterranean fruit fly, which was detected in the Bay Area in August 2024, after
18 which Santa Clara worked with USDA officials to establish a quarantine area to prevent its spread)
19 and could hamper or altogether eliminate Santa Clara's practical ability and legal authority to issue
20 certifications necessary to export agricultural goods or collect fees for the inspection and issuance of
21 those certifications. Similarly, Santa Clara's Division of Agriculture also relies on USDA's
22 Smuggling Interdiction and Trade Compliance Program and reductions there would hamper local
23 government's ability to detect and respond to invasive pests arriving from overseas (such as the
24 invasive pests that Santa Clara staff biologists found living in camellias illicitly imported from China,
25 and then coordinated immediately with USDA staff to establish a federal quarantine). Agriculture
26 Departments across California coordinate with USDA in the same way.

1 • **AmeriCorps**

2 305. The implementation of the Executive Order and ARRP to virtually eliminate
3 AmeriCorps programs has harmed and will irreparably and immediately harm the employees and
4 members who are terminated, those who remain, and their labor representatives including Plaintiff
5 AFSCME.

6 306. These actions will also have a detrimental impact on organizations that rely on
7 AmeriCorps programs. For example, Plaintiff the American Public Health Association has a program
8 working with the CDC on the education and training of Public Health AmeriCorps members, and its
9 decimation will cause harm to the ability of APHA to build capacity to improve community health.

10 307. In addition, the implementation of the Executive Order and AmeriCorps ARRP will
11 cause a direct and seriously detrimental injury to local governments that interact directly with this
12 agency and rely on its services every day, specifically including but not limited to AmeriCorps' work
13 in schools; AmeriCorps' Disaster Response Team, which is often involved in disaster recovery work
14 for months and years after disasters such as the recent California wildfires; and King County's work
15 with AmeriCorps to expand capacity to deliver public health services, which will face increased costs
16 and reduced program reach if King County's partnerships with AmeriCorps are lost or diminished.

17 • **Department of Commerce**

18 308. The implementation of the Executive Order and ARRP to imminently reduce of staff in
19 the Department of Commerce, including its announced plan to eliminate thousands of positions at
20 NOAA and closure of the Minority Business Development Agency, will have direct and severely
21 detrimental impacts on federal employees who are terminated, employees who remain, and their labor
22 representatives including Plaintiff AFGE.

23 309. Terminations of staff at NOAA, which media reports indicate could eliminate 20
24 percent or more of the agency's 13,000 employees, will prevent NOAA from effectively carrying out
25 its critical work, ranging from research supporting the health of the ocean and aquatic species
26 conducted by the National Marine Fisheries Service to the foundational research conducted and data
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1 collected by the Office of Oceanic and Atmospheric Research to understand hurricanes, weather
2 forecasts, extreme storms, and natural disasters.

3 310. These actions will have a severely detrimental impact on Plaintiff AGU and its
4 members, who collaborate with NOAA scientists and rely on funding from NOAA as well as on
5 NOAA's funding, science, and research to provide AGU members with the foundational research and
6 data to understand hurricanes, weather forecasts, extreme storms, climate change, the oceans, and
7 natural disasters, among many other services. For example, AGU members will be harmed by the
8 loss of NOAA's provision of essential data services that they use to model coastal hazards and
9 research that tailors climate adaptation guidance to community organizations. These actions will also
10 cause injury to the Plaintiff Western Watersheds Project, which relies on NOAA's climate data, data
11 collected by NOAA's National Weather Service, and conservation services by NOAA's National
12 Marine Fisheries Service, and Plaintiff NRDC, which relies on research from NOAA and the Census
13 Bureau, as well as NRDC members, who rely on NOAA support and services.

14 311. In addition, the implementation of the Executive Order and Commerce ARRP will
15 cause a direct and seriously detrimental injury to local governments that interact directly with this
16 agency and rely on its services every day, specifically including but not limited to all Plaintiff local
17 governments.

18 312. All local government Plaintiffs rely on data, staff, services, and expertise provided by
19 NOAA, including data they need to inform emergency preparations, planning, and response. For
20 example, Plaintiffs Chicago, King County, Santa Clara, and San Francisco specifically rely on
21 forecasts, modeling, and real-time information for major public event safety planning and weather-
22 related operations at a granular level of detail with real-time updates, and Plaintiffs Harris County,
23 King County, Santa Clara County, and others use this same information for major weather events.
24 Plaintiff Chicago also relies on NWS personnel during large-scale outdoor City events, who are often
25 present on site to assist in real-time assessment and response to weather data as it comes in. And
26 King County relies on interagency County and National Weather Service teams to coordinate and
27 conduct outreach to communities and provide education before major weather events like the
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1 November 2024 “bomb cyclone” windstorm that resulted in several fatalities. Plaintiff local
2 governments would lose valuable information and services that are essential to human safety and
3 resilience.

4 313. King County also relies on NOAA Fisheries to assist in the development and
5 implementation of Puget Sound Salmon Recovery Plans that are critical to the recovery, management,
6 and protection of several species of salmon within King County—an essential component of the
7 region’s economic, recreational, and cultural life. Also, NOAA Fisheries’ consultation and review of
8 capital projects for Endangered Species Act and Essential Fish Habitat compliance is a critical step in
9 permitting projects. Delays would escalate construction costs, and elimination of review would
10 undermine progress toward salmon recovery and other marine life management and protection goals.

11 • **Department of Energy**

12 314. The implementation of the Executive Order and ARRP to impose imminent reductions
13 of up to 50% of the staff at the Department of Energy will irreparably and immediately harm the
14 federal employees who are terminated, those who remain, and their labor representatives including
15 Plaintiff AFGE.

16 315. These reductions, which are proposed to cut half of the science and innovation
17 programs, will also have a direct and substantially detrimental impact on the members of Plaintiff
18 American Geophysical Union who rely on research by and funding from the Department and
19 regularly collaborate with its scientists, and will directly impair the AGU’s financial resources and
20 mission. They will also harm Plaintiff NRDC, which relies on publications and databases updated
21 and maintained by the Federal Energy Regulatory Commission, National Renewable Energy
22 Laboratory, and Energy Information Administration. By eliminating weatherization programs, they
23 will harm Plaintiff AFSCME, which has non-federal-employee members who perform weatherization
24 work funded, overseen, and assisted by the Department, which will be interrupted and injured. And
25 they will cause substantial harm to members of the public, who depend on the Department to keep
26 them safe including by maintaining the nation’s nuclear stockpile and operating environmental
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1 management programs that, among other things, clean up radioactive waste and prevent the material
2 from contaminating the soil and groundwater.

3 316. In addition, the implementation of the Executive Order and Energy AARP will cause a
4 direct and seriously detrimental injury to local governments that interact directly with this agency and
5 rely on its services every day.

6 317. Crises stemming from understaffing of the programs of the Department of Energy will
7 enormously burden city and county governments, which will be left to handle environmental
8 disasters, specifically including but not limited to Plaintiffs City and County of San Francisco and the
9 City of Baltimore.

10 318. For example, the Executive Order and AARP have already caused, and will continue
11 to cause, disruptions and harms to vital funding sources and supports. For example, Plaintiff San
12 Francisco has received federal financial support from the Department of Energy to develop green
13 building standards, deploy EV charging infrastructure, and continue to transition city vehicles to Zero
14 Emission Vehicles. Three 2024 Department of Energy grants awarded to San Francisco for these
15 purposes are in stasis awaiting information from San Francisco's last known federal program officers
16 on these grants—several of whom are no longer employed at the Department of Energy. Similarly,
17 King County expects these actions to delay implementation of critical work funded by grants from
18 the Department of Energy. As one example, Plaintiff King County is currently implementing a block
19 grant under the DOE's Energy Efficiency and Conservation Block Grant Program. This grant will
20 allow King County to continue its efforts to reduce fossil fuel emissions and energy use, and improve
21 energy efficiency in various sectors. On April 24, 2025, Plaintiff King County was advised that the
22 technical project officer for that particular grant was leaving the agency, and that it may reach out to
23 various email addresses unattached to specific people for issues and questions, and that a new
24 technical project officer has not yet been assigned to the grant. King County expects that the
25 reductions at the Department of Energy have reduced or eliminated its ability to work on this grant.
26 Likewise, Plaintiff City of Baltimore also relies on the Department's data, models, training, and
27 support and funding for climate goals that affect it as a coastal city.

1 • **Environmental Protection Agency**

2 319. The implementation of the Executive Order and ARRP to impose imminent substantial
3 cuts at EPA—including the initial terminations of nearly 300 employees at environmental justice
4 offices, planned elimination of the Office of Research and Development and layoffs of more than
5 1,000 employees working there, and targets to cut up to 65 percent of the budget, including
6 employees—will directly and significantly harm the federal employees who are terminated, those
7 who remain, and their labor representatives including Plaintiffs AFGE and SEIU.

8 320. The actions will also have a direct and severely detrimental impact on Plaintiff
9 American Geophysical Union and its members, who collaborate with and rely on the EPA's research
10 and funding, as well as the public. They will stop the EPA's research, tracking, and responses to
11 health hazards in the air, water, and land. And they will harm non-profits that rely on data, analysis,
12 and funding from the EPA for their work, including Plaintiffs American Geophysical Union and the
13 NRDC. In particular, the cuts to the EPA include large-scale staffing reductions at the EPA Office of
14 Research and Development, which produces critical research on PFAS and lead contamination on
15 which NRDC relies, as well as at the EPA Office of Environmental Justice and External Civil Rights,
16 which ran EJScreen, an environmental justice screening and mapping tool on which NRDC relies.

17 321. In addition, the implementation of the Executive Order and ARRP will cause a direct
18 and seriously detrimental injury to local governments, specifically including but not limited to
19 Plaintiffs the City of Baltimore, City of Chicago, County of Santa Clara, City and County of San
20 Francisco, and King County.

21 322. For example, Plaintiffs including King County and Chicago rely on the EPA in dealing
22 with hazardous materials including Superfund sites, where EPA staffing and support is necessary to
23 protect public health through remediation and technical assistance. Similarly, local government
24 plaintiffs including Santa Clara rely on the EPA for tracking, tracing, and managing hazardous
25 materials while in transit to, from, or through their jurisdictions, for which they rely on the e-Manifest
26 system and protocols developed and managed by EPA. Plaintiffs Santa Clara and Chicago also rely
27 on the EPA in the aftermath of disasters, including clearing hazardous waste and determining whether
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1 and when it is safe for residents to return to disaster-affected areas. If the EPA's ARRP diminishes
2 EPA's capacity to deploy staff on-site after fires and other natural disasters, that will make it more
3 difficult and more protracted for Plaintiff Santa Clara to fulfill its role of protecting its residents and
4 the environment from hazardous material leaks and exposures and to facilitate recovery from natural
5 disasters.

6 323. Localities like Plaintiff King County rely on EPA staff expertise, collaboration, and
7 data sharing to support effective climate and environmental assessments and program
8 implementation. Diminished access to EPA staff could hinder accurate greenhouse gas inventories
9 and mitigation planning and limit Plaintiff King County's ability to target mitigation efforts in areas
10 with high pollution burdens and vulnerable populations.

11 324. Localities, including Plaintiffs King County and San Francisco, also rely on EPA staff
12 for funding and resources to support local environmental justice work. Without EPA staff to manage
13 and process grants, support mapping tools and other resources, and provide technical assistance,
14 localities like Plaintiffs will be seriously harmed. Plaintiff San Francisco's Environment Department
15 will also be impaired in fulfilling its mission to promote environmental justice, and these cuts will
16 detrimentally impact communities in San Francisco that are already harder hit by environmental
17 issues.

18 325. In addition, the implementation of the Executive Order and ARRP will cause serious
19 injury to local governments with respect to their agricultural work. EPA's ongoing work is a linchpin
20 for the agricultural industry across the country, including, for example, in Santa Clara. Plaintiff Santa
21 Clara's Division of Agriculture regulates and monitors the use of pesticides in this industry, including
22 by issuing use permits and receiving and reviewing reports from producers of when the pesticides are
23 used. But EPA, not local governments, primarily manages and implements the Federal Insecticide,
24 Fungicide, and Rodenticide Act, which governs the registration, labeling, distribution, sale, and use of
25 pesticides in the United States, by determining whether a given manufacturer's product can be
26 registered as a pesticide, which in turn requires EPA to determine its safety for use in the food supply.
27 The EPA's involvement is essential not only for registering new pesticides, but also when Plaintiff
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1 Santa Clara detects new invasive species or pests that require urgent response but for which there is
 2 not yet a registered pesticide. In those instances, the EPA must issue approvals for “off-label” use of
 3 registered pesticides. Execution of EPA’s ARRP could diminish if not altogether destroy EPA’s
 4 ability to register new pesticides and its ability to act promptly to permit farmers to protect their crops
 5 from new and emerging threats. The risk is especially acute for Plaintiff Santa Clara: because the
 6 Bay Area is a site of significant international travel, there is an especially heightened chance that
 7 harmful pests will be detected first in or near Santa Clara.

8 326. EPA’s reorganization could also diminish or altogether block EPA’s capacity to deploy
 9 the on-scene coordinators who assist local governments including Plaintiff Santa Clara during
 10 emergency response to releases of hazardous materials and other harmful chemicals. Plaintiff Santa
 11 Clara relies heavily and directly on EPA staff to provide interpretation, guidance, and training for
 12 EPA’s Spill Prevention, Control, and Countermeasure regulations. Likewise, Plaintiff Santa Clara’s
 13 Department of Environmental Health also relies on modeling software that EPA develops, maintains,
 14 and updates in order to assess potential offsite consequences of catastrophic releases of hazardous
 15 substances. If EPA does not maintain or continue to update this software, it would substantially
 16 diminish the ability of Plaintiff Santa Clara—and, on information and belief, other local and state
 17 agencies—to respond to these releases in ways that effectively protect residents.

18 • **General Services Administration**

19 327. The implementation of the Executive Order and ARRP to impose imminent drastic
 20 cuts to GSA staff—including a 63 percent reduction in Public Buildings Service staff, which will
 21 eliminate more than 3,500 positions—will have direct and severely detrimental impacts on the federal
 22 employees who are terminated, employees who remain, their labor representatives including Plaintiff
 23 AFGE, and the public.

24 328. Federal employees who work at and members of the public who visit federal office
 25 buildings, courthouses, and other federal facilities rely on Public Buildings Service staff to ensure
 26 their health and safety in the facilities by overseeing the testing of water in the buildings for the
 27 presence of bacteria, lead, and copper; maintaining fire prevention systems; managing indoor air
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1 quality, including during wildfires; and containing the spread of infectious diseases in the buildings.
 2 The severe reduction in Public Buildings Service staff will threaten the health and safety of AFGE
 3 members, as well as other federal employees and visitors, at federal buildings and facilities
 4 throughout the country. Cuts to other parts of GSA will similarly undermine the agency's ability to
 5 provide real estate, facilities management, procurement, technology, and other services to the federal
 6 government and the public.

7 329. SEIU has hundreds of members who are employed by federal contractors to provide
 8 cleaning services at GSA locations, who are at risk of losing their jobs due to the reduction in GSA
 9 staff.

10 • **Department of Health and Human Services**

11 330. The implementation of the Executive Order and ARRP has already included RIFs
 12 carried out at HHS in late March 2025 that eliminated roughly 10,000 positions across the agency,
 13 including 3,500 at the Food and Drug Administration (FDA), 2,400 at the Centers for Disease Control
 14 and Prevention (one-fifth of all CDC employees), 1,200 at the National Institutes of Health (NIH),
 15 and 300 at the Centers for Medicare & Medicaid Services (CMS). Many offices and programs were
 16 eliminated entirely or lost the vast majority of their employees, including the National Center for
 17 Injury Prevention and Control, National Institute for Occupational Safety and Health, Office of
 18 Health Equity, National Center on Birth Defects and Developmental Disabilities, certain programs
 19 within the National Center for Environmental Health, and various CDC laboratories. Five large HHS
 20 offices were shuttered: in New York City, Boston, Chicago, Seattle, and San Francisco.

21 331. These layoffs have caused immediate and severe harm to the federal employees who
 22 were terminated, as well as those who remain, and to their labor representatives including Plaintiffs
 23 AFGE. They are also directly harming Plaintiffs AFSCME and SEIU, and their non-federal
 24 employee members, some of whom are employed by Head Start programs that rely on HHS-
 25 administered funding, training, technical support, and investigation and enforcement of rules; some of
 26 whom are family childcare providers who depend upon HHS's Office of Child Care for the timely
 27 receipt of grant funds, regulatory compliance guidance, and oversight; and many of whom work in
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1 state administration of Medicaid and in public health positions who have been and will continue to be
2 injured by cuts to CMS and the CDC. SEIU also has members who are employed by federal
3 contractors to provide cleaning services at HHS locations, who are at risk of losing their jobs due to
4 the reduction in HHS staff.

5 332. The actions will also have a direct and severely detrimental impact on Plaintiff
6 American Public Health Association and its members. Many APHA members are public health
7 officials who work in state and local health departments who have lost access to critical services. For
8 example, the CDC terminated employees who had been working on the ground responding to the
9 worsening measles outbreak in Texas that has already claimed the lives of two children and lead
10 experts who had been ready to provide essential on-the-ground support to Milwaukee public schools
11 that were closed due to the discovery of widespread presence of lead. State and local public health
12 officials and offices that relied on data, expertise, and support from HHS will have to expend
13 significant resources in response to these sweeping terminations and reorganization and run the risk
14 of new or worsening public health crises. The actions will also harm Plaintiff American Geophysical
15 Union and its members, who regularly collaborate with CDC and NIH researchers, as well as Plaintiff
16 NRDC, all of whom rely on CDC and NIH research including on lead contamination.

17 333. The virtual elimination of NIOSH, which has seen 93% of the staff given RIF notices,
18 will harm non-federal employee members of Plaintiffs SEIU and AFSCME because it will halt
19 NIOSH's research, investigations, and guidance to prevent, mitigate, and address occupational
20 injuries and illnesses across all types of workplaces, including coal mines, fire departments, oil and
21 gas wells, healthcare facilities, and small businesses (including Plaintiff Main Street Alliance
22 members) and thereby increase health and safety risks to workers across the country. In particular,
23 cuts to a longstanding program offering coal miners free screenings for black lung, and an
24 opportunity for miners at risk of advancing their black lung to transfer to less dangerous positions,
25 has been eliminated. Firefighter safety programs, which address exposure to toxins and chemicals
26 and cancer risk, have also been shuttered or virtually eliminated.

1 334. NIOSH is also essential to a wide range of activities undertaken by the local
2 government plaintiffs, so its demise is already harming, and will continue to harm, those plaintiffs.
3 For instance, Plaintiff Santa Clara relies on NIOSH's review, testing, evaluation, and/or certification
4 of safety equipment, including Personal Protective Equipment (PPE) such as N95 respirators,
5 protective gowns, and equipment designed to protect against hearing loss, across its operations. If
6 NIOSH remains shuttered, Santa Clara expects it will be forced to make impossible choices, such as
7 choosing between cancelling medical procedures that are clinically indicated for patients, or
8 procuring and using PPE that NIOSH has not reviewed or certified, and which may therefore fail to
9 comply with applicable regulations and inadequately protect workers and patients from harm. And if
10 the decimation of NIOSH is not forestalled, Plaintiff Santa Clara and its residents—and likely
11 governments and residents across the country—will be left exposed to new and emerging hazards for
12 which there is not yet any NIOSH guidance or NIOSH-reviewed PPE. That risk is especially
13 pronounced for Plaintiff Santa Clara for numerous reasons, including because it operates a large
14 health and hospital system, is a hub for international travel, is the home of numerous sites considered
15 to be targets for potential bioterrorist attacks, and has a location that leaves it susceptible to new and
16 emerging infections as well as respiratory and other atmospheric risks caused by wildfires and
17 exacerbated by climate change.

18 335. In addition, the implementation of the Executive Order and HHS ARRP will cause a
19 direct and seriously detrimental injury to local governments that interact directly with the CDC and
20 rely on its services every day, specifically including but not limited to all local government Plaintiffs.

21 336. For example, Plaintiff San Francisco operates an extensive public health system that
22 relies on CDC services in numerous ways. The CDC supports San Francisco's public health efforts,
23 including through trainings, guidance, public health pipeline programs, transportation services for
24 rare but particularly infectious patients who cannot be treated at San Francisco's public hospital,
25 reference lab services, and surveillance support that is crucial for identifying and tracking the spread
26 of infections and diseases, including resistant strains. Absent adequate CDC support, Plaintiff San
27 Francisco will have to divert and expend resources.

1 337. The RIFs and reorganization at HHS are limiting or eliminating national data
2 collection projects, and limiting access to staff with related subject-matter expertise, which will
3 negatively affect the ability of local governments to respond to public health emergencies. For
4 example, Plaintiff Chicago's Department of Public Health relies upon CDC data and guidance to
5 effectively surveil the spread of sexually transmitted diseases, control the spread of infectious
6 diseases like measles and Mpox, and efficiently allocate resources to address chronic diseases like
7 diabetes and opioid addiction.

8 338. Local governments, including Plaintiff Santa Clara, also rely heavily on the CDC's
9 Laboratory Response Network, as well as several CDC laboratories that are the only ones authorized
10 or capable of testing for certain infectious diseases, including some sexually transmitted diseases.
11 Delays or disruptions in CDC's ability to test specimens or report results to Plaintiff Santa Clara's
12 Public Health Department will produce information gaps and delays that result in unnecessary spread
13 of infectious diseases as well as inadequate directions or recommendations to affected patients.
14 Indeed, Plaintiff Santa Clara's Public Health Department has protocols that often require its staff to
15 contact and share specimens with the CDC very quickly and to monitor results that the CDC shares
16 not only for its own specimens, but for tests of specimens from other parts of the country. When the
17 CDC operates the only laboratory that can conduct the testing, HHS's reorganization could mean the
18 difference between life and death, between effective and ineffective treatment, between spread or
19 containment of infectious disease, and whether residents suffer.

20 339. Reductions to the CDC's extensive work developing information about emerging
21 infectious-disease threats in other parts of the world, will directly impact Santa Clara and other local
22 governments where there is frequent travel between Santa Clara and those areas. When the CDC
23 develops and shares information about outbreaks of Ebola, novel influenza, mpox, and other
24 diseases—including not only COVID-19, but more recently Marburg virus disease (formerly known
25 as Marburg haemorrhagic fever) and tuberculosis—localities including Plaintiff Santa Clara can be
26 better prepared to handle potential cases that may emerge locally. The CDC played a critical role in
27 assisting Santa Clara in its response to these threats, including by sending experts with specific
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1 expertise in medicine, epidemiology, infection control, community mitigation, and communications
 2 to Santa Clara to coordinate with Santa Clara's Emergency Operations Center, and to develop a
 3 community mitigation plan.

4 340. When there is a terrorist attack, disease outbreak, earthquake, or other emergency, and
 5 local government health systems (including both public health departments and hospitals) require use
 6 of medicines, including those that are not quickly or commercially available or in quantities that
 7 would exhaust local supplies, those departments can access medicine from the Strategic National
 8 Stockpile, which is administered and staffed by HHS's Administration for Strategic Preparedness and
 9 Response (ASPR). The time-sensitive availability of the Strategic National Stockpile is critical. If
 10 HHS's ARRP closes or reduces the capacity of ASPR to operate the Strategic National Stockpile,
 11 CDC to operate the Drug Service, or FDA to operate the expanded access program, it would reduce if
 12 not altogether block the ability of Plaintiff Santa Clara's Public Health Department and Health
 13 System—and other local and state hospitals, clinics, and public health departments—to access these
 14 vital, life-preserving resources in times of emergency.

15 341. Additionally, NIOSH provides local governments with essential investigative support
 16 in fire safety, particularly in the aftermath of industrial incidents. Plaintiff Harris County contains
 17 extensive petrochemical infrastructure, and has relied on NIOSH to identify causation in fires where
 18 initial assessments were inconclusive. Loss of NIOSH personnel and institutional knowledge will
 19 compromise this function, leaving Plaintiff Harris County ill-equipped to respond to industrial
 20 hazards and fire risks.

21 • **Department of Housing and Urban Development**

22 342. The implementation of the Executive Order and ARRP to impose an imminent RIF of
 23 up to 50 percent reduction in HUD staff, which will eliminate certain offices and more than 4,000
 24 positions, will directly and significantly harm the federal employees who are terminated, those who
 25 remain, their labor representatives including Plaintiff AFGE, and members of the public who depend
 26 on HUD's services. It will prevent individuals and communities across the country from being able
 27 to access funding and support for disaster relief, community development, rental assistance,
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1 homeownership, homelessness, and housing discrimination complaints, and exacerbate the housing
2 crisis and housing-related issues throughout the country.

3 343. These actions will also cause irreparable injury to Plaintiff AFSCME and SEIU, and
4 their non-federal employee members, who work at housing authorities across the country—including
5 in California—that depend on the regular and timely distribution of HUD funding and who will be
6 harmed by the closure of local HUD offices. SEIU also represents hundreds of members employed
7 by service contractors who provide cleaning, security, and other services at housing authorities in
8 numerous states, and risk losing their jobs due to the significant reduction in HUD staff and closure
9 of offices. SEIU Local 1000 members work at a California state agency that administers affordable
10 housing programs funded exclusively by HUD, and the cuts to HUD staff and dozens of office
11 closures will imperil the agency’s critical functions and services, impede oversight and enforcement,
12 diminish critical technical assistance and support, and threaten affordable housing programs and
13 projects, harming SEIU Local 1000’s members and the members of the public whom they serve.

14 344. These actions will cause a direct and seriously detrimental injury to local governments
15 that interact directly with this agency and rely on its services every day, specifically including but not
16 limited to Plaintiffs City of Baltimore, County of Santa Clara and King County.

17 345. For example, delays in receiving technical assistance and guidance from HUD staff on
18 topics critical to the governance of the Community Development Block Grant, HOME programs, and
19 Section 108 Loan Programs will impact localities like Plaintiff Baltimore. These programs rely on
20 HUD staff to, *inter alia*, review and provide approvals necessary for processing the flow of funds
21 under these programs; reduced staff will hamper the ability of localities like Plaintiff Baltimore to use
22 these funds and to refinance loans through the 108 Loan program, causing financial and economic
23 harms.

24 346. In addition, HUD’s reorganization will cause delays in processing invoices and
25 payment to local governments and nonprofits in connection with nationwide housing assistance and
26 grant programs. HUD’s inability to timely process invoices and payments to grantees, provide
27 technical assistance, or manage future grant cycles will not only hamper the ability of local
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1 governments to assist beneficiaries through housing support offices such as Plaintiff Santa Clara's
2 Office of Supportive Housing, but will also cause more residents to experience homelessness due to
3 lack of availability of shelters and services.

4 • **Department of Interior**

5 347. The implementation of the Executive Order and ARRP to impose imminent mass
6 layoffs at the Department of the Interior will have an immediate and detrimental impact on the federal
7 employees who are terminated, those who remain, and their labor representatives including Plaintiffs
8 AFGE and SEIU.

9 348. These actions will also inflict irreparable injury upon Plaintiff American Geophysical
10 Union and its members, who regularly collaborate with and depend on the agency—in particular, on
11 the U.S. Geological Survey (USGS), Bureau of Land Management, and Fish and Wildlife—for
12 funding and research. The targeting of USGS will compromise vital public services, including
13 providing reliable science to resource managers, emergency response, other scientists who rely on it,
14 and the public. For example, the planned reductions of 20 percent will eliminate regional centers that
15 partner with local natural resource managers and communities to help them deal with mounting
16 challenges of climate change, from wildfires to sea level rise.

17 349. The reductions in staffing will also harm Plaintiff NRDC, which relies on publications
18 and databases updated and maintained by the Fish and Wildlife Service, U.S. Geological Survey, and
19 the Bureau of Land Management; and Plaintiff Coalition to Protect America's National Parks and its
20 members, because inadequate staffing will endanger animal and plant species and compromise park
21 functioning and operations, harming the recreational activities of members in national parks. It will
22 harm Plaintiff Western Watersheds Project, by impeding timely access to public records necessary to
23 accomplish its conservation mission, adversely affecting the Bureau of Land Management's
24 prevention of ecologically destructive grazing on federal public lands, hindering WWP's ability to
25 research and obtain information related to conservation efforts, impacting the U.S. Fish and Wildlife
26 Service's ability to categorize and protect endangered species such as the Wyoming toad and Arctic
27

grayling, and causing other adverse effects that will decimate the National Wildlife Refuge, harm WWP's ability to protect native wildlife, and impede the enjoyment of land by WWP's members.

350. In addition, the implementation of the Executive Order and the Interior ARRP will cause a direct and seriously detrimental injury to local governments, specifically including but not limited to Plaintiffs Santa Clara and King County. It will harm Plaintiff Santa Clara's emergency-planning efforts and capabilities, which rely on information about earthquake hazards developed by USGS to plan for and respond to earthquakes. Indeed, Plaintiff Santa Clara is a member of the Association of Bay Area Governments, which partners closely with USGS to provide resources and guidance related to earthquakes. Similarly, implementation of the Executive Order and the Interior ARRP would significantly slow Plaintiff King County's ability to complete infrastructure, transportation, and environmental projects, increase costs, and reduce the effectiveness of efforts to protect endangered species and historic resources. It would result in Plaintiff King County experiencing, among other things, increased uncertainty and project delays due to extended consultation and permit review and issuance in ESA and EFH reviews conducted by U.S. Fish and Wildlife Service along with NOAA Fisheries, which oversee species like Chinook Salmon and Bull Trout. It would also cause delays in compliance with federal laws requiring consultation with the Bureau of Indian Affairs and other DOI agencies on the impacts of federally funded or permitted projects on historic properties, potentially stalling project approvals.

- **Department of Labor**

351. The implementation of the Executive Order and ARRP to impose imminent large-scale layoffs at the Department of Labor will have a direct and severely detrimental impact on the federal employees who are terminated, those who remain, and their labor representatives including Plaintiff AFGE. For example, the Department has eliminated the enforcement division of the Office of Federal Contract Compliance Programs (OFCCP) and plans to cut OFCCP by 90 percent.

352. These actions will also have a direct and severely detrimental impact on Plaintiffs AFSCME and SEIU, whose non-federal employee members depends on many programs and subagencies of the Department including the Occupational Health and Safety Administration

1 (“OSHA”), Wage and Hour Division, Bureau of Labor Statistics, and Employee Benefits Security
2 Administration. SEIU also represents members employed by service contractors who provide
3 cleaning services at DOL offices, and risk losing their jobs due to the significant reduction in staff.
4 Plaintiff AFGE and its members will also be harmed by cuts to OSHA which, among many other vital
5 roles, is responsible for ensuring effective occupational safety and health programs within federal
6 agencies, and the Office of Workers’ Compensation Programs, which administers Federal Employees’
7 Compensation Act claims.

8 353. In addition, the implementation of the Executive Order and the Labor ARRP will
9 cause a direct and seriously detrimental injury to local governments.

10 • **National Labor Relations Board**

11 354. The implementation of the Executive Order and ARRP to impose a large-scale
12 reduction-in-force at the NLRB will have a direct and severely detrimental impact on the federal
13 employees who are terminated, those that remain, and their labor representatives.

14 355. In addition, these actions will also have a direct and severely detrimental impact on
15 Plaintiffs AFSCME and SEIU, both of whom represent private-sector members who depend on the
16 NLRB and who regularly file unfair practice charges and representation petitions at the NLRB. Due
17 to flat-line budgeting, case processing time has increased over the past decade from 100 days to 444
18 days. Decreasing staff will further extend the time it takes for the NLRB to prosecute violations of
19 federal labor law, leaving workers and unions unprotected. Plaintiffs AFSCME and SEIU who
20 regularly file unfair practice charges at the NLRB presently have significant pending petitions for
21 representation and unfair labor practice charges that are not being timely processed due to current low
22 staffing levels. The delay will mean that NLRA violations will effectively go unremedied and
23 workers will be thwarted in having unions certified as their collective bargaining representatives
24 because the NLRB will not be able to conduct timely elections.

1 • **National Science Foundation**

2 356. The implementation of the Executive Order and ARRP to impose imminent layoffs of
3 up to half of NSF staff will have a direct and severely detrimental impact on the federal employees
4 who are terminated, those who remain, and their labor representatives including Plaintiff AFGE.

5 357. They will also cause severe harm to science in the United States. NSF has already
6 abolished eleven of its thirteen advisory panels. It is a major funder of critical scientific research, and
7 the elimination of staff will cause serious disruptions in funding that created chaos and instability
8 among researchers. For these reasons, the reduction in NSF staff will have a direct and substantially
9 detrimental impact on the members of Plaintiff the American Geophysical Union, who rely on
10 research by and funding from, and often collaborate with, the NSF. It will also harm Plaintiff
11 Western Watersheds Project, which regularly uses NSF-funded research for protection and restoration
12 of wildlife and native ecosystems,

13 • **OPM**

14 358. Planned RIFs at OPM will cause imminent harm to Plaintiff AFGE's members, who
15 will lose their jobs, and to Plaintiff AFGE itself by: impairing its mission, depriving it of membership
16 dues, and forcing it to allocate resources and attention to responding to RIFs instead of other
17 organizational goals.

18 • **Peace Corps**

19 359. Planned RIFs at the Peace Corps will cause imminent harm to Plaintiff AFSCME's
20 members who will lose their jobs, and to Plaintiff AFSCME itself by: impairing its mission, depriving
21 it of membership dues, and forcing it to allocate resources and attention to responding to RIFs instead
22 of other organizational goals.

23 • **Small Business Administration**

24 360. The implementation of the Executive Order and ARRP to impose an imminent 43
25 percent reduction in SBA staff, which will eliminate thousands of positions, will cause a direct and
26 severely detrimental impact on the federal employees who are terminated, those who remain, and
27 their labor representatives including Plaintiff AFGE.

1 361. This reduction will also cause harm to Plaintiffs AFGE, AFSCME, and SEIU members
2 who carry student loan debt, many of whom have benefited from the Public Service Loan
3 Forgiveness program and income-driven repayment options that attach to the federal student loans of
4 those employed in the public sector. Because the Administration intends to transfer the processing of
5 student loans from the (now eliminated) Department of Education to the SBA, understaffing in the
6 SBA will cause delays in processing loan forgiveness or requests to adjust income-based repayment,
7 causing significant financial harm to AFSCME, SEIU, and AFGE members.

8 362. The reductions will also have a severely detrimental impact on the small businesses
9 across the United States, including the members of Plaintiff Main Street Alliance, who rely on SBA
10 services, which include loans, loan guarantees, grants, disaster relief, assistance connecting with
11 government contracting opportunities, a mentoring program, and a national network of Small
12 Business Development Centers that provide counseling and training to help entrepreneurs start their
13 own businesses.

14 363. In particular, Main Street Alliance members and other small businesses that have
15 suffered substantial injuries in national disasters rely on the SBA's Emergency Injury Disaster Loan
16 ("EIDL") program. But without adequate staff, EIDL loan processing will be delayed and loan
17 recipients facing repayment difficulty will be unable to reach EIDL to renegotiate payments, causing
18 them to end up in default and be sent to collection. Reductions in staffing will also slow the
19 processing of loan guarantees, which will have detrimental effects not only on small business loan
20 recipients but also on contractors and suppliers, and their employees. Many of these effects have
21 already begun to occur. The SBA office that funds an important mentoring program has been
22 effectively eliminated. At least one Small Business Development Center has already closed, with
23 more to come. As the RIFs continue to unfold, they will have extremely detrimental effects on small
24 businesses throughout the nation including many members of Main Street Alliance.

25 364. In addition, the implementation of the Executive Order and SBA ARRP will cause a
26 direct and seriously detrimental injury to local governments that interact directly with this agency and
27 rely on its services every day, specifically including but not limited to Plaintiffs the City and County
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1 of San Francisco and King County. The elimination of positions at the SBA threatens the Plaintiff
2 local governments' ability to support communities that are recovering after major disasters, by
3 slowing critical financial assistance. They will cause delays in, among other things, damage
4 assessments, establishment of Disaster Loan Outreach Centers, and servicing of disaster loans, which
5 are currently fully managed by SBA employees. In addition, residents and businesses that depend on
6 timely access to disaster loans will face financial harm. Without sufficient SBA staff to travel to
7 disaster locations to perform assessments and provide loan application technical assistance, residents
8 in disaster areas will face difficulty obtaining low-interest federal disaster loans, therefore hindering
9 their ability to rebuild and recover from disasters

10 • **Social Security Administration**

11 365. The implementation of the Executive Order and ARRP to imminently eliminate the
12 jobs of 7,000 of the 57,000 SSA employees—at a time when the SSA was already at a 50-year
13 staffing low just as the peak of the Baby Boomer generation become eligible for SSA retirement
14 benefits—will have a direct and severely detrimental impact on the federal employees who are
15 terminated, those who remain, and their labor representatives including Plaintiff AFGE.

16 366. These layoffs will also affect Plaintiffs AFSCME, SEIU, and SEIU Local 1000 and
17 their non-federal employee members who work for state agencies that determine eligibility for Old
18 Age, Survivors and Disability Insurance and depend on SSA-administered technology to make their
19 assessments, for local or state determination entities, and/or for medical providers that make those
20 determinations, which also depend on SSA staff. SEIU Local 1000 members are employed by the
21 California state agencies that rely on the provision of social security numbers when issuing driver's
22 licenses and processing unemployment benefits applications, and will likely face long delays in
23 speaking with SSA staff and resolving problems with social security numbers, which, in turn, will
24 delay the provision of state service, including driver's licenses and unemployment/disability
25 insurance.

26 367. In addition, these actions will also have a direct and severely detrimental impact on
27 Plaintiff Alliance for Retired Americans and its members, who are already experiencing long wait
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1 times for appointments in person and long wait times (already up to 90 minutes) on the 800-number
2 to apply for benefits or to correct benefit problems by phone. Employees processing benefits
3 applications will no longer have the necessary information technology support, causing problems
4 including website disruptions that prevent ARA members and others from applying for benefits or
5 calculating benefits to make retirement decisions. And adding the caseload of employees who are
6 terminated to SSA employees' already overwhelming caseload will mean the current problem of
7 almost one-fifth of benefit applications not being timely processed will expand and people who are
8 entitled to receive Social Security benefits, including ARA members, will not timely receive them.
9 These same issues will also affect Plaintiffs AFSCME's and AFGE's significant number of retired
10 members and their families.

11 • **State Department**

12 368. The implementation of the Executive Order and ARRP imminently to impose
13 sweeping cuts at the State Department—including staff reductions in domestic offices of 15%, on top
14 of the elimination of entire offices—will have a direct and severely detrimental impact on the federal
15 employees who are terminated, those who remain, and their labor representatives including Plaintiff
16 AFGE. SEIU also represents members employed by service contractors who provide cleaning
17 services at State Department offices, and risk losing their jobs due to the significant reduction in staff.

18 369. These reductions will also cause immediate, substantial, and irreparable harm to the
19 vital diplomatic work the Department performs. For example, the planned reorganization eliminates
20 numerous Special Envoys, Representatives, and Coordinators, positions that provide high-level,
21 specialized attention to pressing issues such as climate change, global criminal justice, hostage
22 affairs, nuclear nonproliferation and particularly geopolitically sensitive States like Iran, Sudan, and
23 North Korea. The scale of the Reorganization Plan announced on April 22 will also make it
24 extremely hard for the employees who remain to keep the work of their offices going without severe
25 disruptions.

1 • **Department of Transportation**

2 370. The implementation of the Executive Order and ARRP to cut many positions at the
3 Department of Transportation will have a negative impact on federal employees who are terminated,
4 those that remain, and their labor representatives including SEIU, AFSCME, and AFGE.

5 371. Planned reductions will harm plaintiff AFSCME, whose members work as, among
6 other positions, highway maintenance workers that would be impacted if reduced DOT staff are
7 unable to timely process grant applications. Plaintiff AFSCME also employs members that work at
8 transit agencies, which rely on the federal government to cover large portions of operations and
9 maintenance costs. Any disruption in federal grants, caused by staffing levels at DOT, would risk
10 AFSCME members' livelihoods.

11 372. Planned reductions will also cause immediate harm to city and county plaintiffs.
12 Reductions will imperil the approval of DOT grants, environmental reviews, and airport certifications
13 for plaintiff King County. Plaintiff Baltimore will suffer from slower and lower quality responses to
14 transportation disasters, including to its ports and bridges, and grant delays for infrastructure and
15 traffic projects.

16 • **Department of the Treasury**

17 373. The implementation of the Executive Order and ARRP to impose the planned and
18 ongoing 40 percent reduction to the IRS workforce will have a direct and severely detrimental impact
19 on the federal employees who are terminated, those who remain, and their labor representatives.

20 374. The IRS plans to reduce its workforce from 102,000 employees to roughly 60,000 to
21 70,000, with especially high staffing cuts in taxpayer services and compliance, and to close more than
22 110 offices with taxpayer assistance centers. These staffing cuts will reduce the IRS's ability to
23 accomplish its core functions and will directly and severely harm Plaintiff the Center for Taxpayer
24 Rights, the members of its LITC Connect program, the clients of its own Low Income Tax Clinic, and
25 taxpayers across the country. The planned IRS staffing shortfalls will cause simple, quick cases to
26 snowball into labor-intensive, years-long matters for the Center's advocates, requiring more technical
27 assistance from the Center and leaving low-income taxpayers unassisted. The Center's members
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1 will be required to expend more resources per case and be less able to accomplish their missions.
2 Clients will suffer financially through delayed or denied tax refunds, the inability to reach the IRS to
3 stop automatic assessments, and—for some prospective clients—the inability to be served by
4 overwhelmed LITCs that are forced to impose client caps.

5 375. These actions will also have a direct and severely detrimental impact on local
6 governments that interact directly with this agency and rely on its services every day, specifically
7 including but not limited to Plaintiff Santa Clara. Federal law entitles local governments to
8 reimbursement from the IRS for certain interest payments they make on “Qualified Energy
9 Conservation Bonds.” For example, Plaintiff Santa Clara issued such bonds to provide low-interest
10 financing to promote alternative energy usage, and is therefore entitled to monthly reimbursement
11 payments from the IRS. Because these reimbursements depend on staff for processing,
12 reorganization will likely cause slowdowns in the issuance of these reimbursement payments.

13 376. The Department of Treasury is also responsible for processing federal payments and
14 disbursing them to state and local governments, including money for block grants, formula grants,
15 and direct payments for specified use by those state and local governments. The predicted across the
16 board staffing cuts at the Department pose a significant threat to a functional Treasury. With a lower-
17 staffed Treasury Department, these payments could be delayed or stop altogether, severely harming
18 members of AFSCME and SEIU who work in state and local government, and jeopardizing their
19 jobs.

20 • **Department of Veterans Affairs**

21 377. The implementation of the Executive Order and ARRP to imminently roll out the
22 elimination of approximately 80,000 positions at the VA will directly and significantly harm the
23 federal employees who are terminated, those who remain, and their labor representatives including
24 Plaintiffs AFGE, AFSCME, and SEIU.

25 378. This massive reorganization will also harm Plaintiffs AFSCME, SEIU, and SEIU
26 Local 1000 and their non-federal employee members, who are employed by facilities that provide
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1 care to veterans and are operated by state government but depend on the VA to timely process
2 government funding.

3 379. These actions will also cause immediate and irreparable injuries to veterans who rely
4 on VA services including members of Plaintiffs Common Defense and VoteVets, and to the
5 organizational mission of those organizations. For example, cuts to support medical and healthcare
6 support staff, IT support, and clerical and data entry positions make it significantly more difficult for
7 VA health care providers to do their jobs and for veterans to make medical appointments and be
8 connected with services. The RIFs will exacerbate staffing shortages that already exist at many VA
9 facilities and make it harder for veterans to access health care, including mental health care, and other
10 veterans' services including crisis support. Cuts to research staff will also disrupt important work that
11 benefits veterans and the public generally. The reductions will stress understaffed veterans' hospitals
12 and other services to the breaking point. These same issues will also affect Plaintiff AFGE's
13 significant number of members who are veterans.

14 380. In addition, the implementation of the Executive Order and VA ARRP will have
15 substantial and deleterious effects on the veterans living in Plaintiff cities and counties and will also
16 impose costs and burdens on the local governments themselves, specifically including but not limited
17 to the County of Santa Clara.

18 381. For example, the delays, closures, and loss of staff at the VA—both at VA hospitals
19 and in offices that perform centralized functions like call centers and benefits processing—will also
20 prevent or hinder Plaintiff Santa Clara's Office of Veterans Services from doing its primary, core
21 function of connecting veterans to the healthcare and benefits-processing staff at the VA. Reduction
22 in force at the VA will also impose additional burdens on hospitals, like those operated by Plaintiff
23 Santa Clara, that operate emergency departments because delays and/or elimination of care options
24 for veterans will make them more reliant on services provided by Plaintiff Santa Clara and other local
25 governments such as housing support and behavioral and medical health care. And reduced VA staff
26 will impact Plaintiff King County's ability to serve veterans experiencing homelessness or housing
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1 instability, weakening a nationally recognized, award-winning program that had been advancing
2 veteran support services.

3 **CLAIMS FOR RELIEF**

4 **Claim I:** 5 **Separation of Powers/*Ultra Vires*** 6 **Against Defendant President Donald J. Trump**

7 382. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

8 383. Plaintiffs have a non-statutory right of action to enjoin and declare unlawful official
9 action that is *ultra vires*.

10 384. The Constitution vests the legislative power in Congress. U.S. Const., art. I.; *I.N.S. v.*
11 *Chadha*, 462 U.S. 919, 951 (1983). Congress exercised that Article I legislative authority to create
12 the agencies of the federal government. Congress has not delegated to the President the authority to
13 employ and discharge the subordinate employees of the agencies or to spend appropriated funds on
14 those positions; rather, it delegated those functions exclusively to the heads of federal agencies.

15 385. From time to time in this nation's history, Congress has delegated to the President the
16 authority to fast-track legislation proposing the reorganization of federal agencies. But Congress has
17 given President Trump no such authority. While Congress has also delegated certain authorities to
18 President Trump to enact regulations with respect to the management and conduct of the federal civil
19 service, none of those delegations authorize the sweeping authority President Trump has claimed for
20 himself to order agencies to engage in large-scale RIFs, eliminate programs and offices at his
21 direction, reduce staffing to 2019 or government shutdown levels, and otherwise reorganize the
22 federal government.

23 386. The Constitution vests executive power in the President, U.S. Const., art. II, and
24 imposes on the President a duty to "take Care that the Laws be faithfully executed," U.S. Const. art.
25 II, § 3. The President cannot usurp Congress's legislative authority on his own mandate; any
26 legislative authority wielded by the President must have been delegated within the confines of the
27 Constitutional limitations protecting the respective spheres. The President has no constitutional
28 power to enact, amend, or repeal parts of duly enacted statutes. *Clinton v. City of New York*, 524 U.S.

417, 438–39 (1998). The President lacks the constitutional or statutory authority to order large-scale terminations of federal employees, to require agencies to eliminate offices and functions, to require agencies to consider their own elimination, to move agency functions as between agencies, or otherwise to engage in large-scale government reorganization. The President likewise has no constitutional or statutory authority to impose parameters and requirements for such RIFs and reorganizations that require agencies to defy and ignore their authorizing statutes.

387. Executive Order 14210 exceeds the President’s lawful authority, at a minimum, by ordering agencies, including but not limited to Federal Agency Defendants, to:

- a. Implement large-scale RIFs (irrespective of whether staffing reductions are necessary or even appropriate in light of agency functions, needs, and appropriations);
- b. Prioritize in RIFs any functions that “my Administration suspends or closes” (irrespective of statutory requirements or authority delegated to the agencies);
- c. Prioritize in RIFs 2019 and/or government emergency shutdown levels of staffing (aka, Funding Lapse Plan Staffing Levels, which have nothing to do with the staffing needed to properly run fully appropriated agencies);
- d. Consider their own abolition in whole or part, by addressing whether the agency or any subparts should be eliminated by the President (again, regardless of statutory requirements or authority delegated to the agencies); and
- e. Reorganize themselves by picking up and arranging the pieces that are left, following these large-scale reductions.

388. Therefore, the President’s Executive Order 14210 ordering agencies to engage in large-scale RIFs and reorganization plans, and impose hiring freezes, limits, and controls, is not authorized by Article II and usurps Congress’s Article I authority, and is thus *ultra vires*.

Claim II:
Separation of Powers/*Ultra Vires*
Against Defendants OMB, OPM, DOGE and their Directors

389. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

1 390. Plaintiffs have a non-statutory right of action to enjoin and declare unlawful official
2 action that is *ultra vires*.

3 391. Congress exercised its Article I legislative authority to create the agencies of the
4 federal government. *See generally* United States Code, Title 5 (Government Organization and
5 Employees). To the agency heads, Congress has also expressly delegated the power to manage the
6 functions of the agencies, including the right to employ and discharge subordinate employees of the
7 agencies and to spend appropriated funds on those positions.

8 392. In addition to agency-specific authorizing statutes, Congress has also generally
9 authorized the heads of administrative agencies to make employment decisions (5 U.S.C. § 3101),
10 manage the employees of that agency (5 U.S.C. § 301), or delegate to subordinate officers the
11 management decisions, including the hiring and firing of employees (5 U.S.C. § 302).

12 393. Neither OMB, OPM nor DOGE have the statutory authority to supplant the decision-
13 making authority of the federal agencies with respect to federal agency employment or organization;
14 to require agencies to take general or specific action with respect to employment or organization; or
15 to impose substantive requirements that effectively demand agencies to disregard statutory and
16 regulatory requirements.

17 394. The February 26, 2025 Memorandum from OMB and OPM to agency heads exceeds
18 statutory authority and usurps the authority delegated by Congress to the agencies, not to OMB or
19 OPM, by, at a minimum, requiring agencies, including but not limited to Federal Agency Defendants,
20 to:

- 21 a. Submit ARRP for OMB and OPM approval;
- 22 b. Include in those ARRP large-scale RIFS (irrespective of whether staffing reductions
23 are necessary or even appropriate in light of agency functions and appropriations);
- 24 c. Prioritize in those large-scale RIFs any functions that “[the President’s]
25 Administration suspends or closes” (irrespective of statutory requirements or authority
26 delegated to the agencies);

d. Prioritize in those large-scale RIFs 2019 government emergency shutdown levels of staffing (which have nothing to do with the staffing needed to properly run fully appropriated agencies);

e. Include in their ARRP's consideration of their own abolition in whole or part, by addressing whether the agency or any subparts should be eliminated by the President (again, regardless of statutory requirements or authority delegated to the agencies);

f. Include in their ARRP's a plan to reorganize themselves by picking up and arranging the pieces that are left, following these large-scale reductions; and

g. Submit these plans for approval on timeframes that do not permit agencies to actually consider and assess their own needs or the staffing needed to meet their statutory responsibilities.

395. DOGE has no statutory authority. DOGE exceeds any authority it may have to implement the President's orders by usurping the authority delegated by Congress to the agencies, not to the President or DOGE. DOGE has no authority at all to dictate to the agencies created and governed by Congress any level of staffing cut or spending reduction. DOGE therefore exceeds any authority by ordering agencies, including but not limited to Federal Agency Defendants, to impose cuts to functions and staffing according to "targets" and "goals" imposed by DOGE.

396. Therefore, the actions and orders of OMB, OPM, and DOGE to implement the President's February 11, 2025 Executive Order, including but not limited to the February 26, 2025 Memorandum to all agencies, as well as any direction, approval, or requirement imposed with respect to any ARRP's that result from that Executive Order, exceed OMB, OPM, and DOGE's authority and are contrary to statute and thus *ultra vires*.

Claim III:

Administrative Procedure Act, 5 U.S.C § 706(2)(A) and (C) Against Defendants OMB, OPM, DOGE and their Directors (Action Not in Accordance With Law and Exceeding Statutory Authority)

397. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

398. The Plaintiff unions' federal employee members are subject to the requirements of OMB, OPM, and DOGE actions here at issue, and all Plaintiffs (and/or their members) are persons
AMENDED COMPLAINT, No. 3:25-cv-03698-SI

1 who have suffered legal wrong as a result of, and have been adversely affected or aggrieved by the
2 actions of OMB and its Director, OPM and its Acting Director, and DOGE and its actual and nominal
3 Directors, for purposes of 5 U.S.C. § 702.

4 399. Congress exercised its Article I legislative authority to create the agencies of the
5 federal government. *See generally* United States Code, Title 5 (Government Organization and
6 Employees). To the agency heads, Congress has also expressly delegated the power to manage the
7 functions of the agencies, including the right to employ and discharge subordinate employees of the
8 agencies and to spend appropriated funds on those positions.

9 400. In addition to specific authorizing statutes, Congress has also generally authorized the
10 heads of administrative agencies to make employment decisions (5 U.S.C. § 3101), manage the
11 employees of that agency (5 U.S.C. § 301), or delegate to subordinate officers the management
12 decisions, including the hiring and firing of employees (5 U.S.C. § 302).

13 401. Neither OMB, OPM nor DOGE have the statutory authority to supplant the decision-
14 making authority of the federal agencies with respect to federal agency employment.

15 402. The February 26, 2025 Memorandum from OMB and OPM to agency heads exceeds
16 statutory authority and usurps the authority delegated by Congress to the agencies (including but not
17 limited to Federal Agency Defendants), and not to OMB or OPM, by: requiring agencies to submit
18 Agency RIF and Reorganization Plans to OMB and OPM for approval; requiring agencies to include
19 in those plans large-scale RIFs; and imposing an assortment of other parameters and requirements,
20 including considering Funding Lapse Plan Staffing Levels as a baseline.

21 403. DOGE has no statutory authority. DOGE exceeds any authority it may have to
22 implement the President's orders by usurping the authority delegated by Congress to the agencies
23 (including but not limited to Federal Agency Defendants), not to the President or DOGE. DOGE has
24 no authority at all to dictate to the agencies created and governed by Congress any level of staffing
25 cut or spending reduction.

26 404. Therefore, the actions and orders of OMB, OPM, and DOGE to implement the
27 President's February 11, 2025 Executive Order, including but not limited to the February 26, 2025

Memorandum to all agencies, and any direction, approval, or requirement imposed with respect to any ARRs that result from that Executive Order, exceed authority and are contrary to statute.

405. OMB, OPM, and DOGE are all agencies that Congress has made subject to the APA. 5 U.S.C. § 701. OMB and OPM's issuance and implementation of the February 26, 2025 Memorandum, any decision "approving" an ARR, and DOGE's directives ordering agencies to make staffing and spending cuts are all final agency action under the APA. 5 U.S.C. § 704.

406. Under the APA, a court shall "hold unlawful and set aside agency action" that is "not in accordance with law" (5 U.S.C. § 706(2)(A)), or that is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right" (5 U.S.C. § 706(2)(C)).

407. The actions of OMB, OPM, and DOGE therefore violate the Administrative Procedure Act because they are inconsistent with law in violation of 5 U.S.C. § 706(2)(A) and exceed statutory authority in violation of 5 U.S.C. § 706(2)(C), and for those reasons are also arbitrary and capricious in violation of 5 U.S.C. § 706(2)(A).

Claim IV:
Administrative Procedure Act, 5 U.S.C § 706(2)(A)
Against Defendants OMB, OPM, DOGE and their Directors
(Arbitrary and Capricious Agency Action)

408. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

409. The Plaintiff unions' federal employee members are subject to the requirements of OMB, OPM, and DOGE actions here at issue, and all Plaintiffs (and/or their members) are persons who have suffered legal wrong as a result of, and have been adversely affected or aggrieved by the actions of OMB and its Director, OPM and its Acting Director, and DOGE and its actual and nominal Directors, for purposes of 5 U.S.C. § 702.

410. OMB, OPM, and DOGE are all agencies that Congress has made subject to the APA. 5 U.S.C. § 701. OMB and OPM's issuance and implementation of the February 26, 2025 Memorandum, any decision "approving" an ARR, and DOGE's directives ordering agencies to make staffing and spending cuts are all final agency action under the APA. 5 U.S.C. § 704.

411. The actions of OMB and its Director, OPM and its Acting Director, and DOGE and its actual and nominal Directors, violate the APA because they are arbitrary and capricious, in violation

of 5 U.S.C. § 706(2)(A), including because they: 1) order federal agencies to cede decision-making authority to OMB OPM, and/or DOGE, regardless of the requirements of any applicable statute or regulation; 2) require agencies to disregard their authorizing statutes and regulations and follow the President's unconstitutional directions and directions of OMB,OPM, and/or DOGE; 3) categorically impose requirements to engage in large-scale RIFs that are necessarily contrary to agency function and authorizing statutes and regulations; 4) categorically impose requirements to RIF employees at the President's direction, according to the offices, programs and functions the President and his Administration eliminate regardless of statute or regulation; 5) categorically require agencies to engage in RIFs that will align the agency with Funding Lapse Plan Staffing Levels, which necessarily and by definition cannot adequately staff agencies; 6) require agencies to abandoned reasoned decision-making considering all relevant factors, in service of the President's orders; 7) require agencies to act under unrealistic timeframes that necessarily will result in plans that are not supported by rational reasoning or the agency's considered judgment; and 8) require the process for the creation and approval of plans to radically transform the entire federal government to proceed in secret.

Claim V:

Administrative Procedure Act, 5 U.S.C § 706(2)(D)
Against Defendants OMB, OPM, DOGE and their Directors
(Notice and Comment)

412. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

413. The Plaintiff unions' federal employee members are subject to the requirements of OMB, OPM, and DOGE actions here at issue, and all Plaintiffs (and/or their members) are persons who have suffered legal wrong as a result of, and have been adversely affected or aggrieved by the actions of OMB and its Director, OPM and its Acting Director, and DOGE and its actual and nominal Directors, for purposes of 5 U.S.C. § 702.

414. OMB, OPM, and DOGE are all agencies that Congress has made subject to the APA. 5 U.S.C. § 701.

415. Under the APA, a court shall "hold unlawful and set aside agency action ...found to be without observance of procedure required by law." 5 U.S.C. § 706(2)(D).

1 429. Congress made each Federal Agency Defendant subject to the APA. 5 U.S.C. § 701.
 2 The implementation of ARRs by RIFing federal employees, closing offices, functions, and
 3 programs, and otherwise reorganizing agency functions are all final agency action under the APA. 5
 4 U.S.C. § 704.

5 430. Each of the Federal Agency Defendants has created and submitted for OMB and OPM
 6 approval an ARR, according to the parameters imposed by OMB, OPM and DOGE.

7 431. The actions of the Federal Agency Defendants, including but not limited to
 8 implementing the President's unconstitutional orders to reorganize and RIF employees, pursuant to
 9 the terms dictated by the President, violate the APA because they are arbitrary and capricious, in
 10 violation of 5 U.S.C. § 706(2)(A), for reasons that include the following: they 1) cede decision-
 11 making authority to OMB and OPM, regardless of the requirements of any applicable statute; 2)
 12 disregard their authorizing statutes and follow the President's unconstitutional directions and
 13 directions of OMB and OPM; 3) engage in large-scale RIFs that are necessarily contrary to agency's
 14 ability to maintain required function and authorizing statute; 4) RIF employees at the President's
 15 direction, according to the offices, programs and functions the President and his Administration
 16 eliminate regardless of statute; 5) RIF according to Funding Lapse Plan Staffing Levels, which
 17 necessarily and by definition cannot staff agencies at the level necessary to adequately perform; 6)
 18 abandon reasoned decision-making considering all relevant factors, in service of the President's
 19 orders; 7) act under unrealistic timeframes that necessarily will result in plans that are not supported
 20 by rational reasoning or agencies' considered judgment; and 8) conduct the process for the creation
 21 and approval of plans to radically transform the entire federal government in secret.

22 **PRAYER FOR RELIEF**

23 Wherefore, Plaintiffs pray that this Court:

- 24 1. Declare that President Donald J. Trump has violated the United States Constitution by
- 25 engaging in wholesale transformation of the federal government without any
- 26 Congressional authorization by and through the Workforce Executive Order;
- 27
- 28

- 1 2. Declare that OMB, OPM, and DOGE have exceeded statutory authority and acted in an
2 arbitrary and capricious manner and therefore acted unlawfully by ordering federal
3 agencies to act in accordance with the President's unconstitutional mandate by and
4 through the Workforce Executive Order and the February 26, 2025 OMB/OPM
5 Memorandum;
- 6 3. Declare that Federal Agency Defendants have acted contrary to statutory authority and in
7 an arbitrary and capricious manner and therefore acted unlawfully by implementing the
8 President's unconstitutional Workforce Executive Order and the February 26, 2025
9 OMB/OPM Memorandum to reorganize the federal government and RIF large numbers of
10 federal employees, without Congressional authorization;
- 11 4. Vacate the February 11, 2025 Workforce Executive Order, the February 26, 2025 OMB
12 and OPM Memorandum implementing that order; any and all approvals or exemptions
13 awarded by OMB, OPM, or DOGE; any and all orders by OMB, OPM, or DOGE with
14 respect to federal agency ARRP; and the ARRP; and issue all necessary and appropriate
15 process to preserve status or rights pending conclusion of the review proceedings under 5
16 U.S.C. § 705;
- 17 5. Temporarily restrain and enjoin the Defendants from implementing or enforcing the
18 February 11, 2025 Workforce Executive Order; the February 26, 2025 OMB and OPM
19 Memorandum implementing that order; any and all approvals or exemptions awarded by
20 OMB, OPM, or DOGE; any and all orders by OMB, OPM, or DOGE with respect to
21 federal agency ARRP; and the ARRP, pending further orders from this Court;
- 22 6. Pursuant to 5 U.S.C. § 706, vacate, hold unlawful and set aside the February 11, 2025
23 Workforce Executive Order; the February 26, 2025 OMB and OPM Memorandum
24 implementing that order; any and all approvals or exemptions awarded by OMB, OPM, or
25 DOGE; any and all orders by OMB, OPM, or DOGE with respect to federal agency
26 ARRP; and the ARRP;
- 27 7. Enter preliminary and/ permanent injunctive relief;

- 1 8. Award Plaintiffs their costs, reasonable attorneys' fees, and other disbursements as
2 appropriate; and
3 9. Grant such other relief as this Court may deem proper.

4 DATED: May 14, 2025

5 Stacey M. Leyton
6 Barbara J. Chisholm
7 Danielle E. Leonard
8 Corinne Johnson
9 Alice X. Wang
10 Robin S. Tholin
11 Aaron Schaffer-Neitz
12 ALTSHULER BERZON LLP
13 177 Post St., Suite 300
14 San Francisco, CA 94108
15 Tel.: (415) 421-7151
16 Fax: (415) 362-8064
17 sleyton@altshulerberzon.com
18 bchisholm@altshulerberzon.com
19 dleonard@altshulerberzon.com

20 By: /s/ Danielle Leonard

21 *Attorneys for All Union and Non-Profit Organization*
22 *Plaintiffs*

23 Elena Goldstein (pro hac vice)
24 Skye Perryman (pro hac vice)
25 Tsuki Hoshijima (pro hac vice)
26 DEMOCRACY FORWARD FOUNDATION
27 P.O. Box 34553
28 Washington, D.C. 20043
Tel: (202) 448-9090
Fax: (202) 796-4426
egoldstein@democracyforward.org
sperryman@democracyforward.org
thoshijima@democracyforward.org

By: /s/ Elena Goldstein

Attorneys for All Union and Non-Profit Organization
Plaintiffs (except NRDC) and for Plaintiffs City of
Chicago, IL; Martin Luther King, Jr. County, WA;
Harris County, TX; and City of Baltimore, MD

1 Jules Torti (pro hac vice)
2 PROTECT DEMOCRACY PROJECT
3 82 Nassau St., #601
4 New York, NY 10038

5 Erica J. Newland (pro hac vice)
6 Jacek Pruski (pro hac vice)
7 PROTECT DEMOCRACY PROJECT
8 2020 Pennsylvania Ave., N.W., Suite 163
9 Washington, D.C. 20006
10 Tel: 202-579-4582
11 jules.torti@protectdemocracy.org
12 erica.newland@protectdemocracy.org
13 jacek.pruski@protectdemocracy.org

14 By: /s/ Jules Torti

15 *Attorneys for All Union and Non-Profit Organization*
16 *Plaintiffs (except NRDC)*

17 Norman L. Eisen (pro hac vice)
18 Spencer W. Klein (pro hac vice app. forthcoming)
19 STATE DEMOCRACY DEFENDERS FUND
20 600 Pennsylvania Avenue SE #15180
21 Washington, D.C. 20003
22 Tel: (202) 594-9958
23 Norman@statedemocracydefenders.org
24 Spencer@statedemocracydefenders.org

25 By: /s/ Norman L. Eisen

26 *Attorneys for All Union and Non-Profit Organization*
27 *Plaintiffs (except NRDC)*

28 Rushab Sanghvi (SBN 302809)
AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES, AFL-CIO
80 F Street, NW
Washington, D.C. 20001
Tel: (202) 639-6426
Sanghr@afge.org

By: /s/ Rushab Sanghvi

*Attorney for Plaintiffs American Federation of
Government Employees, AFL-CIO (AFGE) and AFGE
locals*

Teague Paterson (SBN 226659)
Matthew Blumin (pro hac vice)
AMERICAN FEDERATION OF STATE, COUNTY,
AND MUNICIPAL EMPLOYEES, AFL-CIO
1625 L Street, N.W.
Washington, D.C. 20036
Tel: (202) 775-5900
TPaterson@afscme.org
MBlumin@afscme.org

By: /s/ Teague Paterson

*Attorneys for Plaintiff American Federation of State
County and Municipal Employees, AFL-CIO (AFSCME)*

Steven K. Ury (SBN 199499)
SERVICE EMPLOYEES INTERNATIONAL UNION,
AFL-CIO
1800 Massachusetts Ave., N.W.
Washington, D.C. 20036
Tel: (202) 730-7428
steven.ury@seiu.org

By: /s/ Steven K. Ury

*Attorney for Plaintiff Service Employees International
Union, AFL-CIO (SEIU)*

David Chiu (SBN 189542)
City Attorney
Yvonne R. Meré (SBN 175394)
Chief Deputy City Attorney
Mollie M. Lee (SBN 251404)
Chief of Strategic Advocacy
Sara J. Eisenberg (SBN 269303)
Chief of Complex and Affirmative Litigation
Molly J. Alarcon (SBN 315244)
Alexander J. Holtzman (SBN 311813)
Deputy City Attorneys
OFFICE OF THE CITY ATTORNEY FOR THE CITY

1 AND COUNTY OF SAN FRANCISCO
2 1390 Market Street, 7th Floor
3 San Francisco, CA 94102
4 molly.alarcon@sfcityatty.org
5 alexander.holtzman@sfcityatty.org

6 By: /s/ David Chiu

7 *Attorneys for Plaintiff City and County of San Francisco*

8 Tony LoPresti (SBN 289269)
9 COUNTY COUNSEL
10 Kavita Narayan (SBN 264191)
11 Meredith A. Johnson (SBN 291018)
12 Raphael N. Rajendra (SBN 255096)
13 Hannah M. Godbey (SBN 334475)
14 OFFICE OF THE COUNTY COUNSEL
15 COUNTY OF SANTA CLARA
16 70 West Hedding Street, East Wing, 9th Floor
17 San José, CA 95110
18 Tel: (408) 299-5900

19 By: /s/ Tony LoPresti

20 *Attorneys for Plaintiff County of Santa Clara, Calif.*

21 David J. Hackett (pro hac vice)
22 General Counsel to King County Executive & Special
23 Deputy Prosecutor
24 Alison Holcomb (pro hac vice)
25 Deputy General Counsel to King County Executive &
26 Special Deputy Prosecutor
27 Erin King-Clancy (pro hac vice app. forthcoming)
28 Senior Deputy Prosecuting Attorney
OFFICE OF KING COUNTY PROSECUTING
ATTORNEY LEESA MANION
401 5th Avenue, Suite 800
Seattle, WA 98104
(206) 477-9483
David.Hackett@kingcounty.gov
aholcomb@kingcounty.gov
aclancy@kingcounty.gov

By: /s/ David J. Hackett

Attorneys for Plaintiff Martin Luther King, Jr. County

Sharanya Mohan (SBN 350675)

PUBLIC RIGHTS PROJECT

490 43rd Street, Unit #115

Oakland, CA 94609

Tel: (510) 738-6788

sai@publicrightsproject.org

By: /s/ Sharanva Mohan

*Attorney for Plaintiffs Baltimore, MD, Chicago, IL,
Harris County, TX, and King County, WA*

Christian D. Menefee

Harris County Attorney

Jonathan G.C. Fombonne (pro hac vice app. forthcoming)

Deputy County Attorney and First Assistant

Tiffany Bingham (pro hac vice app. forthcoming)

Managing Counsel

Sarah Utley (pro hac vice app. forthcoming)

Division Director – Environmental Division

Bethany Dwyer (pro hac vice app. forthcoming)

Deputy Division Director - Environmental Division

R. Chan Tysor (pro hac vice)

Senior Assistant County Attorney

Alexandra “Alex” Keiser (pro hac vice)

Assistant County Attorney

1019 Congress, 15th Floor

Houston, Texas 77002

Tel.: (713) 274-5102

Fax: (713) 437-4211

jonathan.fombonne@harriscountytexas.gov

tiffany.bingham@harriscountytexas.gov

sarah.utley@harriscountytexas.gov

bethany.dwyer@harriscountytexas.gov

chan.tysor@harriscountytexas.gov

alex.keiser@harriscountytexas.gov

By: /s/ Jonathan G.C. Fombonne

Attorneys for Plaintiff Harris County, Texas

Mary B. Richardson-Lowry,

Corporation Counsel of the City of Chicago

1 Stephen J. Kane (IL ARDC 6272490) (pro hac vice app.
forthcoming)

2 Rebecca A. Hirsch (IL ARDC 6279592) (pro hac vice
app. forthcoming)

3 Lucy Prather (IL ARDC 6337780) (pro hac vice)

4 City of Chicago Department of Law,
Affirmative Litigation Division

5 121 N LaSalle Street, Suite 600

6 Chicago, Illinois 60602

7 Tel: (312) 744-6934

8 Stephen.kane@cityofchicago.org

Rebecca.Hirsch2@cityofchicago.org

Lucy.Prather@cityofchicago.org

9 By: /s/ Stephen J. Kane

10 *Attorneys for Plaintiff City of Chicago*

11

12 Ebony M. Thompson

Baltimore City Solicitor

13 Sara Gross (pro hac vice app. forthcoming)

14 Chief of Affirmative Litigation

15 Baltimore City Department of Law

100 N. Holliday Street

16 Baltimore, Maryland 21202

Tel: (410) 396-3947

sara.gross@baltimorecity.gov

17 By: /s/ Sara Gross

18 *Attorneys for Plaintiff City of Baltimore*

19

20

21

22

23

24

25

26

27

28